

2/10



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

नं० 1]
No. 1]

नई दिल्ली, शनिवार, जनवरी 1, 1994/पौष 11, 1915
NEW DELHI, SATURDAY, JANUARY 1, 1994/PAUSA 11, 1915

इस भाग को भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and notifications issued by the Ministries of the Government of India (other than
Ministry of the Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)
(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 30 नवम्बर, 1993

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 30th November, 1993

का. आ. 1 --नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जय गोपाल सुरी एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पश्चिम बिहार, दिल्ली में व्यवसाय करने के लिए नोटरी के रूप में नियुक्त पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(126)/93-न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

S.O. 1.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules by Shri Jai Gopal Suri, Advocate for appointment as a Notary to practise in Paschim Vihar, New Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (126)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 30 नवम्बर, 1993

का. आ. 2.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एम. हनीफ दयामाकुमार, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे गुजरात राज्य में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(127)/93-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 30th November, 1993

S.O. 2.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules by Shri M. Hanif Dayamakumar Advocate for appointment as a Notary to Practise in State of Gujarat.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (127)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 2 दिसम्बर, 1993

का. आ. 3.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री नब किशोर लाहा एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे जाजपुर सब डिविजन, उड़ीसा राज्य में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(27)/93-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 2nd December, 1993

S.O. 3.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules by Shri Nab Kishor Lala Advocate for appointment as a Notary to practise in Jajpur Sub Division (Orissa).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (27)/93-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 10 दिसम्बर, 1993

का. आ. 4.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री एन. एस. तिरमिजी, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे अहमदाबाद (गुजरात) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से मेरे पास भेजा जाए।

[सं. 5(30)/92-न्यायिक]

पी. सी. कण्णन्, सक्षम प्राधिकारी

NOTICE

New Delhi, the 10th December, 1993

S.O. 4.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules by Shri N. S. Tirmizi, Advocate for appointment as a Notary to practise in Ahmedabad (Gujarat).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5 (30)/93-Judl.]

P. C. KANNAN, Competent Authority

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 13 दिसम्बर, 1993

का. आ. 5.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आंध्र प्रदेश राज्य सरकार की सहमति से, जो गृह (एम. सी-ए) विभाग जी. ओ. आर. टी. सं. 1291, तारीख 24-5-1993 द्वारा प्रदान की गई थी, केन्द्रीय जांच ब्यूरो द्वारा रजिस्ट्रिकृत एस. आई. आर. सं. 11/93—हैदराबाद, तारीख 24-4-1993 में नीचे उपदिष्टित सुरांगत अधिनियम के उपबंधों के अतिरिक्त दंडनीय अपराधों और उक्त अपराधों तथा वैसे ही और या उन्हीं या उनसे संबंधित तथ्यों में उत्पन्न होने वाले संयोजन के अनुक्रम में किए गए किन्हीं अन्य अपराधों के संबंध में या उनसे संसक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्र के, जिनके बारे में यह अभिकथन है कि वे निम्नलिखित प्राइवेट व्यक्तियों द्वारा किए गए हैं, अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण आन्ध्र प्रदेश राज्य पर करती है।

एस. आई. आर. सं. और विधियों की अभियुक्त का नाम धाराएं

भारतीय दंड संहिता, 1860 (1860 का श्री पी. विद्यासागर 45) की धारा 420, 468, 471 राब, स्वत्वधारी, और 477क के साथ पठित धारा 120ख और अन्धकार निवारण अधिनियम, 1988 में सर्वे प्रपण आटो-की धारा 13(1)(घ) के साथ पठित मोबाइल, धारा 13(2) के अधीन एस. आई. 3-5-100/ए, आर. 11/93—हैदराबाद, तारीख नारायण गुडा, 24-4-1993 हैदराबाद-500020.

[संख्या 228/82/93-ए. वी. डी.-II]

आर. एस. बिष्ट, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 13th December, 1993

S.O. 5.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Government of Andhra Pradesh, accorded vide Home (SC-A)/Department G.O. R. No. 1291 dated 24-5-1993 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the offences in SIR No 11/9 Hyderabad dated 24-4-1993 registered by the Central Bureau of Investigation and attempts, abetments and conspiracy in relation to or in connection with the said offences and any other offences committed in the course of the same transaction and arising out of the same or related facts punishable under the provisions of relevant Act indicated below alleged to have been committed by the following private persons.

SIR No. & SECS. of LAWS NAME OF THE ACCUSED

SIR-11/93-Hyd. dt. 24-4-93 Sri P. Vidya Sagar Rao
U/S.120B, r/w 420, r/w 468; Proprietor
471 r/w 477A of the Indian Penal Code, 1860 (45 of 1860) 3-5-100/A Narayanaguda,
and U/s 13(2) r/w 13(1) (d) of Hyderabad-500 020.
the PC Act, 1988.

[No. 228/82/93-AVD. II]

R.S. BISHT, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 29 जुलाई, 1993

मुख्यालय स्थापना

फा. आ. 6.—केन्द्रीय राजस्व बोर्ड अधिनियम, 1963 (1963 का 54) की धारा 3 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार

भारतीय राजस्व सेवा (सीमा शुल्क और केन्द्रीय उत्पाद शुल्क) के अधिकारी श्री एस. मुखोपाध्याय, जो इन पूर्व सीमा शुल्क, केन्द्रीय उत्पाद शुल्क एवं स्वातंत्र्य राष्ट्रीय अकादमी, नई दिल्ली में महानिदेशक (प्रशिक्षण) के पद पर तैनात थे, को 29 जुलाई, 1993 की पूर्वोक्त से और अगला आदेश होने तक केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड में सदस्य के पद पर नियुक्त करती है।

[फा. सं. ए-19011/9/93-प्रशा. II]

रमेश कुमार, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 29th July, 1993

HEADQUARTERS ESTABLISHMENT

S.O. 6.—In exercise of the powers conferred by sub-section (2) of Section 3 of the Central Boards of Revenue Act, 1963 (No. 54 of 1963), the Central Government hereby appoints Shri S. Mukhopadhyay, an officer of the Indian Revenue Service (Customs & Central Excise) and formerly posted as Director-General, (Training), National Academy of Customs, Excise & Narcotics, New Delhi, as Member of the Central Board of Excise & Customs with effect from the forenoon of the 29th July, 1993 and until further orders.

[F. No. A-19011/9/93-Ad. I]

RAMESH KUMAR, Under Secy.

नई दिल्ली, 4 नवम्बर, 1993

(आयकर)

फा. आ. 7.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-जी की उपधारा (2) के खंड (बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री सरंगगोपनी स्वामी मन्दिर कुम्भकोणम" को पूरे तमिलनाडु राज्य में विख्यात सार्वजनिक पूजास्थल का स्थान के रूप में उक्त खंड के प्रयोजनार्थ अधिबुद्धि करती है।

[अधिसूचना सं. 9385 (फा. सं. 176/33/93-आयकर-नि-I)]

शरत चन्द्र, अवर सचिव

New Delhi, the 4th November, 1993

(INCOME-TAX)

S.O. 7.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80-G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Sri Sarangapani Swami Temple, Kumbakonam" to be a place of Public Worship of renown throughout the State of Tamil Nadu for the purpose of the said clause.

[Notification No. 9385 (F. No. 176/33/93-ITA-I)]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 6 दिसम्बर, 1993

फा. आ. 8.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "जवाहर लाल नेहरू हॉकी टूर्नामेंट सोसाइटी, नई दिल्ली को 1992-93 से 1994-95 तक के कर निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा उसकी आय का इस्तेमाल करने के लिए उसका संचयन इस प्रकार के संचयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 11 की उप-धारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संयत पूर्ववर्ती वर्षों तक किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ठंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेंदर-जवाहिरात, फर्नीचर अथवा किसी अन्य वस्तु, उपयुक्त खंड (23) के तौसरे परन्तुक के अधीन बोर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संचितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और

(iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाषा हों जब तक कि ऐसा कारोबार उक्त-कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं ही रखी जाती हों।

[अधिसूचना सं. 9425 (फा. सं. 196/21/92-आयकर) नि. I]

शरत चन्द्र, अवसर सचिव

New Delhi, the 6th December, 1993

S.O. 8.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Jawaharlal Nehru Hockey Tournament Society, New Delhi" for the purpose of the said clause for assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the subjects for which it is established.

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and

maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and

(iv) this notification will not apply in relation to any income, being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9425 (F. No. 196/21/92-ITA-I)]

SHARAT CHANDRA, Under Secy.

राजस्व विभाग

नई दिल्ली, 23 नवम्बर, 1993

का.आ. 9—आम सूचना के लिये यह अधिसूचित किया जाता है कि मैसर्स पिरलेस एबसन फाइनेंस लिमिटेड, 9, लंदन स्ट्रीट, कलकत्ता-700017 को केन्द्रीय सरकार द्वारा आयकर अधिनियम, 1961 (1961 को धारा 36(1) (8) के प्रयोजनों के लिये 1991-92 से 1995-96 के कर निर्धारण वर्षों के लिये आवास वित्त कम्पनी के रूप में अनुमोदित किया गया है।

2. यह अनुमोदन इस शर्त पर किया गया है कि उक्त कम्पनी आयकर अधिनियम, 1961 को धारा 36(1)(8) के अधीन प्रावधान के अनुरूप होगी और इन प्रावधानों का अनुपालन करेगी।

[अधिसूचना सं. 9419 (फा. सं. 204/8/93-आयकर (नि.-II)]

अजय कुमार, अवसर सचिव

New Delhi, the 23rd November, 1993

S.O. 9.—It is notified for general information that M/s. Peerless Abason Finance Limited, 9, London Street, Calcutta-700 017 have been approved by the Central Government as a Housing Finance Company for the purposes of Section 36(1)(viii) of the Income-tax Act, 1961 for the assessment years 1991-92 to 1995-96.

2. The approval is subject to the condition that the company will conform to and comply with the provisions under section 36(1)(viii) of the Income tax Act, 1961.

[Notification No. 9419 (F. No. 204/8/93-ITA.II)]

AJAY KUMAR, Under Secy.

नई दिल्ली, 24 नवम्बर, 1993

का.आ. 10—आयकर अधिनियम, 1961 (1961 का 43) की धारा 47 के खण्ड (9) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा उपर्युक्त उपखण्ड के प्रयोजन के लिये 1995-96 से 1998-99 के कर निर्धारण वर्षों के लिये "इंदिरा गांधी नेशनल सेंटर फार आर्ट्स" को अधिसूचित करती है।

[अधिसूचना सं. 9420 (फा. सं. 207/5/93-आयकर (नि.-II)]

अजय कुमार, अवसर सचिव

New Delhi, the 24th November, 1993

S.O. 10.—In exercise of the powers conferred by clause (ix) of Section 47 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Indira Gandhi National Centre for Arts", New Delhi for the purpose of the said sub-clause for the assessment years 1995-96 to 1998-99.

[Notification No. 9420/F. No. 207/5-93-ITA.II]

AJAY KUMAR, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 2 दिसम्बर, 1993

का.आ. 11.—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 6 की उपधारा (1) के खण्ड (क) और उपधारा (2) के अनुसरण में, केन्द्रीय सरकार, एतद्द्वारा श्री एस.एच. खान, वर्तमान प्रबंध निदेशक, भारतीय औद्योगिक विकास बैंक को 2 दिसम्बर, 1993 से और 30 जून, 1998 तक की अवधि के लिये भारतीय औद्योगिक विकास बैंक के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[सं.एफ. 7/13/93-बी.ओ.-1]

एम.एस. सीतारामन, अवर सचिव

BANKING DIVISION

(Department of Economic Affairs)

New Delhi, the 2nd December, 1993

—S.O. 11.—In pursuance of clause (a) of sub-section (1) and of sub-section (2) of section 6 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government hereby appoints Shri S. H. Khan, presently Managing Director of Industrial Development Bank of India, as the Chairman and Managing Director of the Industrial Development Bank of India with effect from 2nd December, 1993 and upto 30th June, 1998.

[F. No. 7/13/93-B.O.I.]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 2 दिसम्बर, 1993

का.आ. 12.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 20 की उपधारा (3क) और उपधारा (4) के साथ पठित धारा 19 की उपधारा (1) के खण्ड (घ) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्द्वारा श्री जे.एस. बैजल, 224, सेक्टर 15-क, नोएडा, जिला गाज़ियाबाद-201301 को 2 दिसम्बर, 1993 से तीन वर्षों की अवधि के लिये भारतीय स्टेट बैंक के निदेशक बोर्ड में निदेशक नामित करती है।

[सं. 8/5/91-बी.ओ.-I]

एम.एस. सीतारामन, अवर सचिव

New Delhi, the 2nd December, 1993

S.O. 12.—In pursuance of clause (d) of sub-section (1) of section 19 read with sub-section (3-A) and sub-section (4) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri J. S. Bajjal, 224, Sector 15-A, NOIDA, Distt. Ghaziabad-201301 to be a Director of the Central Board of State Bank of India for a period of three years with effect from 2nd December, 1993.

[No. 8/5/91-B.O.I.]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 7 दिसम्बर, 1993

का. आ. 13.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श करने के पश्चात्, एतद्द्वारा भूतपूर्व न्यू बैंक आफ इंडिया के भूतपूर्व कार्यकारी निदेशक श्री जी. नारायणन को उनके कार्यभार ग्रहण करने की तारीख से 17 मई, 1998 तक की अवधि के लिए, बैंक आफ महाराष्ट्र के पूर्णकालिक निदेशक (कार्यकारी निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है। यह नियुक्ति 1993 की सिविल रिट याचिका सं. 3157 में दिल्ली उच्च न्यायालय के अंतिम निर्णय के अध्वधीन है।

[सं. एफ. 9/27/93-बी. ओ.-I]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 7th December, 1993

S.O. 13.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri G. Narayanan, formerly Executive Director of the erstwhile New Bank of India, as a whole-time Director (designated as the Executive Director) of Bank of Maharashtra for the period from the date of his taking charge and upto 17th May, 1998. The appointment is subject to the final decision of the High Court of Delhi in Civil Writ Petition No. 3157 of 1993.

[F. No. 9/27/93-B.O.I.]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 8 दिसम्बर, 1993

का. आ. 14 —भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (ख) और धारा 20 की उपधारा (1) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्द्वारा, डा. एम. के. सिन्हा, वर्तमान उप प्रबंध निदेशक, भारतीय स्टेट बैंक को, उनके द्वारा कार्यभार ग्रहण करने की तारीख से 30 सितम्बर, 1995 तक के लिए भारतीय स्टेट बैंक के प्रबंध निदेशक के रूप में नियुक्त करती है।

[सं. एफ 8/8/93-बी. ओ. -I]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 8th December, 1993

S.O. 14.—In pursuance of clause (b) of section 19 and sub-section (1) of section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby appointed Dr. M. K. Sinha, presently Deputy Managing Director, State Bank of India as Managing Director of State Bank of India for the period from the date of his taking charge and upto 30th September, 1995.

[F. No. 8/8/93-B.O. I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 10 दिसम्बर, 1993

का. आ. 15.—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 का 28) की धारा 6 की उप धारा (6) और उप धारा (7) के साथ गठित उप धारा (1) के खंड (ड) के उप खण्ड (iii) के अनुसरण में केन्द्रीय सरकार एतद्वारा निम्नलिखित व्यक्तियों को 10 दिसम्बर, 1993 से तीन वर्ष की अवधि के लिए भारतीय निर्यात-आयात बैंक के निदेशक मंडल में निदेशक के रूप में नामित करती है :—

- 1 श्री अभिजीत मजूमदार
10/2 बर्दवान रोड,
अलीपुर,
कलकत्ता-700027
- 2 श्री एस. के. बिजलानी
18, सेक्टर 2,
चंडीगढ़-160001
- 3 श्री एम. वी. सुबैया
नं. 10, बोट क्लब रोड,
मद्रास-600028

[सं. एफ. 7/5/93- बी. ओ.-I]

एच. एस. सीतारामन, अवर सचिव

New Delhi, the 10th December, 1993

S.O. 15.—In pursuance of sub-clause (iii) of clause (e) of sub-section (1) read with sub-section (6) and sub-section (7) of section 6 of the Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby nominates the following persons as Directors of the Export-Import Bank of India for a period of three years with effect from 10th December, 1993 :—

1. Shri Avijit Mazumdar,
10/2, Burdwan Road,
Alipore,
Calcutta-700027.
2. Shri S. K. Bijlani,
18, Sector-2,
Chandigarh-160001.
3. Shri M. V. Subbiah,
No. 10, Boat Club Road,
Madras-600028.

[No. F. 7/5/93-B.O.I.]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 7 दिसम्बर, 1993

का.आ. 16 बैंकारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा

31 के उपबंध प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) के अन्तर्गत स्थापित किए गए क्षेत्रीय ग्रामीण बैंकों पर उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध 31 मार्च, 1994 को समाप्त वर्ष के लिए उनके तुलन पत्रों और लाभ हानि विवरण तथा उन पर लेखा परीक्षकों की रिपोर्ट के प्रकाशन से है।

[सं. एफ. 8(6)/87-आर. आर. बी.]

सी. बी. प्रसाद, अवर सचिव

(Department of Economic Affairs)

New Delhi, the 7th December, 1993

S.O. 16.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declare that the provisions of Section 31 of the said Act shall not apply to the Regional Rural Banks established under sub-section (1) of Section 3 of the Regional Rural Banks Act, 1976 (21 of 1976) in so far as the said Section requires the publication of their balance sheets and profit and loss accounts together with the Auditors' Reports thereon in respect of the year ending 31-3-1994.

[No. F. 8(6)/87-RRB]

C. B. PRASAD, Under Secy.

आयकर आयुक्त का कार्यालय

शुद्धि पत्र

कलकत्ता, 5 नवम्बर, 1993

का. आ. 17 —रेंज-5 के निर्धारण अधिकारियों के क्षेत्राधिकार के बारे में अधिसूचना संख्या-1/93-94 का शुद्धिपत्र आदेश एतद्वारा निम्न रूप से पारित किया जाता है :—

क्रम संख्या 1, 3 और 4 में दिए गए आयकर अधिकारी वार्ड-5(3), वार्ड-4(5) और वार्ड-5(6) के बारे में स्तम्भ 3 पर दिए गए क्षेत्राधिकार को निम्न प्रकार से पढ़ा जाए—“आयकर उपायुक्त, रेंज-5 के क्षेत्राधिकार में पड़ने वाले सभी क्षेत्रों, व्यक्तियों, व्यक्तियों के वर्ग, आय, मामले अथवा मामले के वर्ग, घुड़सवारी (जाकिस), बाजी लगाने वाले (पान्टर), घोड़े के स्वामी और घुड़ दौड़ से संबंधित लोग जात्ता, थियेटर और सिनेमा अथवा उनके अन्य कोई प्रकार और इन मामलों से संबंधित अन्य को छोड़कर।”

यह शुद्धिपत्र दिनांक 5-7-93 से मूलतत्त्वप्रभावी होगा।

[संख्या. क्षेत्र. 9/अधिसूचना/प.ब. 6/90-91 (उप.) 5454]

भास्कर सेन, आयकर आयुक्त

OFFICE OF THE COMMISSIONER OF INCOME TAX :
CORRIGENDUM

Calcutta, the 5th November, 1993

S.O. 17.—Corrigendum Order is hereby passed for notification No. 1/93-94 regarding jurisdiction of the Assessing Officers in Range-5 as under :

The jurisdiction at Sl. No. 3 for Income Tax Officer, Ward-5-(3) ward-5(5) and ward-5(6), Calcutta at Sl. No. 1, 3 & 4 may be read as "over all areas, persons, a classes of persons, income cases or class of cases other than the cases of Jockeys, Punters, Horse owners and those connected to Horse races alongwith all the cases of Jatre, Theatre and Cinema or any of their form and those connected with these cases falling in the jurisdiction of Deputy Commissioner of Income Tax, Range-5.

The corrigendum shall come into force with retrospective effect from 5-7-1993.

[No. Jur.-9/Notification/WB-VI/90-91 (Sub) 5454]
VASKAR SEN, Commissioner of Income Tax

केन्द्रीय उत्पाद शुल्क समाहर्तालय

अधिसूचना संख्या 10/1993

नागपुर, 6 दिसम्बर, 1993

का. आ. 18.—श्री व्ही. एस. कोरडे, अधीक्षक, केन्द्रीय उत्पाद शुल्क समूह "ख" समाहर्तालय नागपुर निवर्तन की आज्ञा प्राप्त करने पर दिनांक 30-11-93 को अपरान्ह से आसकीय सेवा से निवृत्त हुए है।

[का. सं. 11(3)3/93/स्था. 1/25357]

टी. एच. के. गौरी, अपर समाहर्ता
(कार्मिक एवं सतर्कता)

CENTRAL EXCISE COLLECTORATE

Nagpur, the 6th December, 1993

NOTIFICATION NO. 10/1993

S.O. 18.—Shri V. S. Korde, Superintendent, Central Excise Group 'B' of Nagpur Collectorate having attained the age of superannuation retired from Government service on 30-11-93 in the afternoon.

[C. No. II(3)/3/93/Estt. I/25357]

T. H. K. GHOURI, Additional Collector (Per. & Vig.)

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

नई दिल्ली, 13 दिसम्बर, 1993

का.आ. 19.—सैसर्स स्पीड क्राफ्ट्स प्राइवेट लिमिटेड, लायक भवन, बोरिंग कनाल रोड, पटना-800001 को 1,06,78,500.00/- रुपये (3,39,000.00 अमरीकी डालर के निर्यात आधार के साथ 74,05,854.00/-रुपये (2,35,107.00 अमरीकी डालर) के लागत बीमा भाड़ा मूल्य के लिए एक अग्रिम लाइसेंस सं. 1524985 दिनांक

14-5-93 मंजूर किया गया था, जवकी वैधता अवधि जारी करने की तारीख से 12 महीने थी। अग्र फर्म ने अग्रिम लाइसेंस (सीमा शुल्क प्रयोजन प्रति तथा केवल आयात के लिए डीईईसी बुक (आयात) का भाग 1) की दूसरी प्रति इस आधार पर प्रदान करने के लिए अवेदन किया है कि लाइसेंस खो गया है/गुम हो गया है। फर्म ने आवश्यक हलकनामा प्रस्तुत किया है जिसके अनुसार पूर्वोक्त अग्रिम लाइसेंस को सीमा शुल्क प्राधिकारी से पंजीकृत नहीं कराया गया था तथा उसका बिल्कुल भी इस्तेमाल नहीं किया गया था और लाइसेंस के मद्दे बकाया लागत बीमा भाड़ा मूल्य 74,05,854.00/- रुपये है।

2. हलकनामे में इस आशय की एक घोषणा भी समाविष्ट की गई है कि उक्त लाइसेंस का बाव में पता चलने पर या मिलने पर उसे निर्गम प्राधिकारी को लौटा दिया जाएगा। इस बात से संतुष्ट होने पर कि मूल अग्रिम लाइसेंस (सीमा शुल्क प्रयोजन प्रति तथा केवल आयात के लिए डीईईसी बुक (आयात) का भाग 1) खो गई है, अग्रोहस्ताक्षरी विदेश देते है कि आवेदक को अग्रिम लाइसेंस (सीमा शुल्क प्रयोजन प्रति तथा केवल आयात के लिए डीईईसी बुक (आयात) का भाग 1) की अनुतिथियां जारी कर दी जाए। साथ ही विदेश व्यापार (विकास और नियंत्रण) अधिनियम, 1992 की धारा 9 की उपधारा (4) में प्रदत्त शक्तियों का प्रयोग करते हुए मैं एतद्वारा मूल अग्रिम लाइसेंस (सीमा शुल्क प्रयोजन प्रति तथा केवल आयात के लिए डीईईसी बुक (आयात) का भाग 1) को एतद्वारा निरस्त करता हूं।

[काइल सं. 01/81/40/147/ए एम-94/डी ई एस 3/2360]

आर के. सुद, उप महानिदेशक, विदेश व्यापार
कृते महानिदेशक विदेश व्यापार

MINISTRY OF COMMERCE

(Directorate General of Foreign Trade)

New Delhi, the 13th December, 1993

S.O. 19.—M/s. Speed Crafts Private Limited, Layak Bhavan, Boring Canal Road, Patna-800001, were granted an Advance licence No. 1524985 dated 14-5-93 for a cif value of Rs. 74,05,854.00 (US dollar 2,35,107.00) with an export obligation of Rs. 1,06,78,500.00 (US dollars 3,39,000.00) with a validity of 12 months from the date of issue of the licence, Now the firm have applied for grant of duplicate of advance licence (Customs purpose copy and Part-I of DEEC Book, (IMPORT)) for the import only on the ground that the licence have been lost/misplaced. The firm have furnished necessary affidavit according to which the aforesaid advance licence was not registered with and Customs Authority and was not utilised at all and the balance cif value against the licence is Rs. 74,05,854.00. A declaration has also been incorporated in the affidavit to the effect that if the said licence is traced found later on, it will be returned to the issuing Authority.

2. On being satisfied that the original Advance Licence [Customs Purpose copy and part-I of DEEC (Import)] for imports only have been lost, the undersigned directs that duplicate Advance licence (Customs Purpose copy and part-I

of DEEC (Import)] for import only should be issued to the applicant, I also in exercise of the powers conferred in sub-clause (4) of Clause 9 of the Foreign Trade (Development and Regulation) Act, 1992, hereby cancel the original Advance licence (Customs purpose copy and part-I of DEEC (Import) for imports only.

[F. No. 01/81/40/147/AM-94/DES-III/2360]

R. K. SOOD, Dy. Director General of Foreign Trade

For Director General
of Foreign Trade

मानव संसाधन विकास मंत्रालय

(महिला एवं बाल विकास विभाग)

पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के मामले में
राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 8 दिसम्बर, 1993

का.आ. 20:- राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड द्वारा लिए आवेदन पर और उनकी सहमति से पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के खण्ड 10 (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आदेश देती है कि नीचे दिए गए व्योरे के अनुसार रु. 1,21,33,020/- (रु. एक करोड़ इक्कीस लाख तैंतीस हजार बीस मात्र) (रु. 1,25,00,000/- छूट कीमत की राशि) यूको बैंक, शाहपुरजट, एगिमाड ग्राम परिसर, नई दिल्ली में 92 दिनों के लिए सर्टिफिकेट ऑफ डिपॉजिट योजना के अंतर्गत 12% की व्याज दर से 21-7-93 को पुनः निवेश की गई।

क्रम सं. राशि पिछले निवेश भुगतान की अभिव्यक्तियों का तारीख तारीख

1. रु. 1,25,00,000	28-4-93	28-07-93	बची हुई राशि मिडी-केट, बैंक, होज खास, नई दिल्ली में 46 दिनों के लिए फिक्स डिपॉजिट योजना में जमा कराई गई
--------------------	---------	----------	---

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित सा.घा. 120 (ई) की अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संवाजन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्व विन्यास के खजांची के नाम होगा।

[सं. 13-4/93-टी प्रार II]

सुरजीत लाल, अव्वर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Women & Child Development)

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT 1890 (6 OF 1890) IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI

New Delhi, the 8th December, 1993

S.O. 20. -On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi and in exercise of the powers conferred by Section 10(2) of the Charitable Endowment Act 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 1,21,33,020/- (Rupees one crore Twentyone lakh thirtythree thousand and twenty only) (discounted value of Rs. 1.75 crores) as per particulars given below be re-invested in Certificate of Deposit Scheme for 92 days in UCO Bank, Shahpurjat, Asiad Village Complex, New Delhi at the rate of interest 12% per annum w.e.f. 31-07-93.

Sl. No.	Amount	Date of previous Investment	Date of Maturity	Remarks
1.	Rs.1,25,00,000/-	28-04-93	28-07-93	Surplus amount will be deposited in FD for 46 days in Syndicate Bank, Hauz Khas, New Delhi.

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E) dated the 2nd March, 1979 as amended from time to time.

[F.No.13-4/93-TR-II]

SURJIT LAL, Under Secy.

पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के मामले में
राष्ट्रीय बाल कोष, नई दिल्ली के मामले में
नई दिल्ली, 8 दिसम्बर, 1993

का. आ. 21. -राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड द्वारा लिए आवेदन पर और उनकी सहमति से पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के खण्ड 10 (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आदेश देती है रु. 5,56,539/- (पांच लाख छत्तन हजार पांच सौ उनत्तिस मात्र) व्याज सहित सर्टिफिकेट बैंक, होज खास नई दिल्ली में 46 दिनों के लिए फिक्स डिपॉजिट योजना के अंतर्गत 8 प्रतिशत की व्याज दर से 13-9-93 को पुनः निवेश की गई।

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित सा. आ., 120(ई) अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संवाजन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्व विन्यास के खजांची के नाम होगा।

[सं 13-4/93 टी. प्रार-II]

सुरजीत लाल, अव्वर सचिव

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890 (6 OF 1890)

IN THE MATTERS OF THE NATIONAL CHILDREN'S FUND, NEW DELHI

New Delhi, the 8th December, 1993

S.O. 214.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi and in exercise of the powers conferred by Section 10(2) of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 5,56,539 (Rupees Five lakh Fifty six thousand Five hundred and Thirty nine only) alongwith interest accrued thereon be invested in Fixed Deposit Scheme for 46 days in Syndicate Bank, Hauz Khas, New Delhi at the rate of interest 8 per cent per annum w.e.f. 13-09-93.

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-4/93-TR-II]

SURJIT LAL, Under Secy.

पूर्त विन्यास अधिनियम, 1890 (1890 का 6) के मामले में

राष्ट्रीय बाल कोष, नई दिल्ली के मामले में

नई दिल्ली, 8 दिसम्बर, 1993

का. आ. 22.—राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड द्वारा किए आवेदन पर और उनकी सहमति से पूर्त विन्यास अधिनियम, 1890 (1890 का 61) के खण्ड 4 द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आदेश देती है कि नीचे दिए गए व्यौरे के अनुसार रु. 5,56,539/ (पांच लाख छप्पन हजार पांच सौ उनतालिस मात्र) सिविलिट बैंक, होज खास नई दिल्ली में 46 दिनों के लिए फिक्स डिपोजिट योजना के अन्तर्गत 10 प्रतिशत की व्याज दर से 28-7-93 को निवेश की गई :

क्रम सं.	राशि	पिछले निवेश की तारीख	भुगतान की तारीख	अभियुक्तियां
1	2	3	4	5

1. रु 1,82,000 07-05-93 28-07-93
(व्याज सहित)

2869 GI/93-2

1 2 3 4 5

2. रु. 3,70,450 — — स्टेट बैंक आफ पटियाला, सूर्या नगर, गाजियाबाद में जमा 1.25 करोड़ छूट कीमत की अतिरिक्त राशि।

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित सा. आ. 120(ई) की अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्त विन्यास के खर्जांची के नाम होगा।

[सं 13-4/93 टी भार II]

सुरजीत लाल, अवर सचिव

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT 1890 (6 of 1890) IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI.

New Delhi, the 8th December, 1989

S.O. 22.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi and in exercise of the powers conferred by Section 4 of the Charitable Endowments Act 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 5,56,539/- (Rupees five lakh fifty six thousand five hundred and thirtynine only) as per particulars given below be invested in fixed deposit scheme for 46 days in Syndicate Bank, Hauz Khas, New Delhi at the rate of interest 10% per annum w.e.f. 28-07-93.

Sl. No.	Amount	Date of previous Investment	Date of Maturity	Remarks
1.	Rs. 1,82,000/- (with interest)	07-05-93	28-07-93	
2.	Rs. 3,70,450/-			Balance amount of discounted value of Rs. 1.25 crores invested with State Bank of Patiala, Surya Nagar, Ghaziabad.

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E) dated the 2nd March, 1979 as amended from time to time.

[F.No.13-4/93-TR-II]

SURJIT LAL, Under Secy.

परमाणु ऊर्जा विभाग

आदेश

बम्बई, 14 दिसम्बर, 1993

का. आ. 23.—केन्द्रीय सिविल सेवाएं (वर्गीकरण, नियंत्रण एवं शरील) नियमावली 1965 के नियम 9 के उप नियम 2, नियम 12 के उप नियम (2) का खण्ड (ख) एवं नियम 24 के उप नियम (1) में प्रदत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति सा. आ. सं. 1044 में निम्नलिखित संशोधन का निदेश देते हैं :—

दिनांक 22-5-93 के सरकारी राजपत्र में प्रकाशित दिनांक का संदर्भ सं. 1/6(1)/91—बी जी प्रयात्—

1. अनुसूची में

(I) सामान्य केन्द्रीय सेवाएं 'ख' वर्ग भाग I शीर्षक के अन्तर्गत मद्य सं. 10 तथा उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित मद्य व प्रविष्टि को रखा जाएगा।

(1)	(2)	(3)	(4)	(5)	(6)
(1) सामान्य सेवा संगठन कल्याणकम में पद	निदेशक सा. से. सं. कल्याणकम		निदेशक सा. से. सं. कल्याणकम	सभी	सचिव परमाणु ऊर्जा विभाग

(II) सामान्य केन्द्रीय सेवाएं—ग वर्ग भाग II के मद्य (11) तथा उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित मद्य व प्रविष्टि को रखा जाएगा:—

(1)	(2)	(3)	(4)	(5)	(6)
(10) सामान्य ससेवा संगठन कल्याणकम में मद्य	मुख्य प्रशा. एवं लेखा अधि. सा. से. सं., कल्याणकम		मुख्य प्रशा. एवं लेखा अधि. सा. से. सं., कल्याणकम	सभी	निदेशक, सा. से. संगठन, कल्याणकम

(1)	(2)	(3)	(4)	(5)	(6)
(11) प्रगत प्रौद्योगिकी केन्द्र इन्दौर में पद	निदेशक, (प्रशा.) प्रगत प्रौद्योगिकी केन्द्र इन्दौर		निदेशक (प्रशा.) प्रगत प्रौद्योगिकी केन्द्र इन्दौर	सभी	निदेशक, प्रगत प्रौद्योगिकी केन्द्र इन्दौर

(II) सामान्य केन्द्रीय सेवाएं 'ख' वर्ग भाग-III शीर्षक के अन्तर्गत मद्य सं. (11) एवं उससे संबंधित प्रविष्टि

(1)	(2)	(3)	(4)	(5)	(6)
(11) प्रगत प्रौद्योगिकी केन्द्र इन्दौर में पद	प्रशासनिक अधिकारी-III प्रगत प्रौद्योगिकी केन्द्र इन्दौर		प्रशासनिक अधिकारी-III प्रगत प्रौद्योगिकी केन्द्र इन्दौर	सभी	निदेशक, (प्रशा.) प्रगत प्रौद्योगिकी केन्द्र इन्दौर

[सं. 1/6(1)/93 बी जी-351]

पी. वेणुगोपालन, उप सचिव :

DEPARTMENT OF ATOMIC ENERGY

CRDLR

Bombay, the 14th December, 1993

S.O. 73.—In exercise of the powers conferred by sub-rule (2) of rule 9, clause (b) of sub-rule (2) of Rule 12 and Sub-rule (1) of rule 24 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the President hereby directs that the following amendment shall be made in the order S.O. No. 1044 (Ref. No. 16 (1)/91-Vig. 93 dated 3-5-93 published in the Official Gazette dated 22-5-93) namely :

1. In the Schedule

(i) Under the heading Part-I General Central Services Group (B) for item (10) and entry relating thereto, the following item and entry shall be substituted namely :

(1)	(2)	(3)	(4)	(5)	(6)
(10)	Posts in the General Services Organisation, Kalpakkam.	Director, General Services Organisation, Kalpakkam.	Director, General Services Organisation, Kalpakkam.	All	Secretary, Department of Atomic Energy

(ii) Under the heading Part-II General Central Services Group (C) for item (10) and (11) and entries relating thereto, the following items and entries shall be substituted namely :

(1)	(2)	(3)	(4)	(5)	(6)
(10)	Posts in the General Services Organisation, Kalpakkam.	Chief Admn. & Accounts Officer, General Services Organisation, Kalpakkam.	Chief Admn. & Accounts Officers, General Services Organisation, Kalpakkam.	All	Director, General Services Organisation, Kalpakkam

(1)	(2)	(3)	(4)	(5)	(6)
(11)	Posts in the Centre for Advanced Technology, Indore	Director (Admn.), Centre for Advanced Technology, Indore	Director (Admn.) Centre for Advanced Technology, Indore	All	Director, Centre for Advanced Technology, Indore

(ii) Under the heading "PART III—General Central Services Group 'D'. " for item (11) and entry relating thereto, the following item and entry shall be substituted, namely :

(1)	(2)	(3)	(4)	(5)	(6)
(11)	Posts in the Centre for Advanced Technology, Indore	Admn. Officer-III, Centre for Advanced Technology, Indore	Admn. Officer-III, Centre for Advanced Technology, Indore	All	Director, (Admn. Centre for Advanced Technology, Indore

[No. 1. '6(1)/93-Vig./351.]

P. VENUGOPALAN, Dy. Secy.

रसायन और उर्वरक मंत्रालय
(रसायन और पेट्रो-रसायन विभाग)
नई दिल्ली, 16 नवम्बर, 1993

MINISTRY OF CHEMICALS AND FERTILIZERS
(Department of Chemicals and Petrochemicals)
New Delhi, the 16th November, 1993

का. भा. 24.—केन्द्रीय सरकार, सरकारी स्थान (अनाधिकृत अधिकारियों की बेवजाली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के रसायन और उर्वरक मंत्रालय (रसायन और पेट्रो-रसायन विभाग) की प्राधिकारिता सं. का. भा. 2597, तारीख 10 अक्टूबर, 1992 को अधि-कृत करते हुए, नीचे दी गई सारणी के स्तंभ (1) में उल्लिखित अधिकारी को जो केन्द्रीय सरकार के राजपत्रित अधिकारी की पंक्ति के समतुल्य अधिकारी है, उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है जो उक्त सारणी के स्तंभ (2) में विनिर्दिष्ट सरकारी स्थानों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन पर अधिरोपित कर्तव्यों का पालन करेगा, धर्मातः—

सारणी

अधिकारी का पदनाम	सरकारी स्थानों का प्रयोग और अधिकारिता की स्थानीय सीमाएं
(1)	(2)
उप महाप्रबंधक (कामिक), बड़ोदरा (गुजरात) में पेट्रोफिल्स कोऑपरेटिव बड़ोदरा संयंत्र पेट्रोफिल्स लिमिटेड, कोऑपरेटिव लिमिटेड, बड़ोदरा	लिमिटेड के या उसके द्वारा या उसके और से पट्टे पर लिए गए सभी स्थान ।

[सं. 32027/2/92 पी सी. I]
अरुण कुमार, उप सचिव

S.O. 24.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification) of the Government of India in the Ministry of Chemicals and Fertilizers (Department of Chemicals and Petrochemicals) No. S.O. 2597, dated the 10th October, 1992, the Central Government hereby appoints the officer mentioned in column (1) of the table below, being an officer equivalent to the rank of gazetted officer of the Central Government, to be the estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said table, namely:—

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Deputy General Manager (Personnel), Vadodara Plant, Petrofils Cooperative Ltd., Vadodara.	All premises belonging to or taken on lease by or on behalf of the Petrofils Co-operative Ltd., at Vadodara (Gujarat)

[No. 32027/2/92-PC.I]
Arun Kumar, Dy. Secy.

पेट्रोलिएम और कैमिकल्स मंत्रालय

नई दिल्ली, 14 दिसम्बर, 1993

का. भा. 25.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलिएम बर्दार एवं प्राकृतिक गैस लेन के लिए नरस्तापुर-कोम्बु से कविटम पाइपलाइन परियोजना के अन्तर्गत पाइप लाइन गैस अपारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है ;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ;

अतः पेट्रोलिएम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है ;

अतः कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिभूतना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आश्रित संश्लेष प्राधिकारी, गैस अपारिटी आफ इण्डिया लिमिटेड, के.जी. बसीन प्रोजेक्ट, 29-7-1/31, लक्ष्मीनारपेटा, अपोजिट, गौतमी लैबरी, राजमुन्नी-533104 आन्ध्र प्रदेश में दर्ज करा सकता है ।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा बिधि व्यवसायिक के माध्यम से अपना मत करना चाहता है ।

अनुसूची

गैस पाइप लाइन :

पेनुमवम कुंभा सख्या 2 से नरसापुर—कोय्दूर लाइन के कवितम स्थित वाल्व स्टेशन तक :

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे. एकड़ में)	विवरण
1	2	3	4	5	6
दक्षिण गोदावरी	पोद्दूर	पोद्दूर	722 बीग जी.पी.	0-05-5	कम या अधिक
			723/ ,,	0-10-0	,,
			721/2 ,,	0-20-5	,,
			708/3 ,,	0-00-5	,,
			708/4 ,,	0-05-0	,,
			716/1 ,,	0-13-0	,,
			710/1 ,,	0-07-5	,,
			709/2 ,,	0-06-5	,,
			538/ ,,	0-09-5	,,
			544/ ,,	0-13-0	,,
			543/2 ,,	0-03-5	,,
			543/1 ,,	0-05-5	,,
			550/ ,,	0-16-5	,,
			556/ ,,	0-12-0	,,
			571/ ,,	0-07-0	,,
			570/ ,,	0-11-0	,,
			569/2 ,,	0-07-0	,,
			कुल	1-53-5	हेक्टे.
दक्षिण गोदावरी	पोद्दूर	पोद्दूर		1-53-5	कम या अधिक
			569/3 बीग (जी. पी.)	0-01-0	,,
			584/1 ,,	0-06-5	,,
			585/2 ,,	0-04-5	,,
			585/4 ,,	0-05-5	,,
			585/5 ,,	0-03-0	,,
			585/8 ,,	0-03-0	,,
			586/1 ,,	0-09-0	,,
			582/ ,,	0-07-5	,,
			602/1 ,, (जी. पी.)	0-00-5	,,
			602/2 ,,	0-09-0	,,
			602/3 ,,	0-07-5	,,
			602/9 ,,	0-00-5	,,
			336/1 ,,	0-05-0	,,
			336/2 ,,	0-06-5	,,
			337/2 ,,	0-08-0	,,
			344/ ,,	0-07-5	,,
			343/ ,, (जी. पी.)	0-01-0	,,
			342/4 ,,	0-04-5	,,
			कुल	2-43-5	हेक्टे.

1	2	3	4	5	6
दक्षिण गोवावरी	पोडर	पोडर	342/5 भाग 340 „ (जी.पी.) 338 „ (जी.पी.) 72 „ 71/1 „ 71/2 „ 71/3 „ 75/1 „ 78 „ 69/4 „ 69/5 „ 69/6 „ 79/4 „ 79/5 „ 79/6 „ 79/7 „	2-43-5 0-07-0 0-02-5 0-00-5 0-10-5 0-06-0 0-05-0 0-03-0 0-07-5 0-01-5 0-02-5 0-03-0 0-08-5 0-03-5 0-02-5 0-05-5 0-00-5	कम या अधिक ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,,
			कुल :	3-12-5	हेक्टे.

दक्षिण गोवावरी	पोडर	पोडर	81/1 भाग 63/1 „ 63/2 „ 62/1 „ 61/2 „ 85/1 „ 86/2 „ 88 „ 87 „ (जी.पी.) 49/1 ए „ 48/1 „ 48/2 „ 48/3 „ 48/4 „ 48/5 „ 48/8 „ 47/1 „	0-05-5 0-06-5 0-06-5 0-07-5 0-07-5 0-00-5 0-08-5 0-03-0 0-02-0 0-01-0 0-00-5 0-01-5 0-02-0 0-02-5 0-01-0 0-07-5 0-01-0	कम या अधिक ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,, ,,
			कुल	3-77-0	हेक्टे.

1	2	3	4	5	6
दक्षिण गोदावरी	पोडुरु	पोडुरु		3-77-0	
			46/भाग	0-15-5	कम या अधिक
			45/1 "	0-02-5	"
			25/1 "	0-03-0	"
			26/1 "	0-05-5	"
			26/2 "	0-07-5	"
			34/1 "	0-06-5	"
			33 "	0-08-0	"
			32/2 "	0-10-5	"
			31 "	0-01-0	"
			(जी.पी.)		
			कुल :	4-37-0	हेक्टे.

[संख्या-एल-14016/16/93 जी.पी.]

अध्वेनु सेन, निदेशक

MINISTRY OF PETROLEUM & CHEMICALS

New Delhi, the 14th December, 1993

S.O. 25.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Narasapuram—Kovvuru at Kavitan Branch, Pipeline is to be laid by the Gas Authority of India Limited;

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum & Minerals

Pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K.G. Basin Project, 29-7-1/3/1, opposite Gowthami Library, Rajamundry-533104 Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

GAS PIPE LINE

Pendmadam Well No. 1 to Volve station of Narasapur—Kovvur Line At—Kavitan

District	Mandal	Village	Survey Nos.	Area (in Hct/acres)	Remarks
1	2	3	4	5	6
West Godavari	Poduru	Poduru	722/Part	0-05-5	More or Less
			G.P.		
			723 Part	0-10-0	
			721/2Part	0-20-5	"
			708/3 Part	0-00-5	"
			780/4 Part	0-05-0	"
			716/1 Part	0-13-0	"
			710/1 Part	0-07-5	"
			709/2Part	0-06-5	"
			538 Part	0-09-5	"
			544 Part	0-13-0	"
			543/2Part	0-03-5	"
			543/1Part	0-05-5	"
			550 Part	0-16-5	"
			556 Part	0-12-0	"
			571 Part	0-07-0	"
			570 Part	0-11-0	"
			5692 Part	0-07-0	"
			Total	1-53-5	

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
West Godavari	Poduru	Poduru	B.F.	1-53-5	
			569/3Part	0-01-0	More or less
			G.P.		
			584/1Part	0-06-5	"
			585/2Part	0-04-5	"
			585/4Part	0-05-5	"
			585/5Part	0-03-0	"
			585/8Part	0-03-0	"
			586/1Part	0-09-0	"
			582/Part	0-07-5	"
			602/1Part G.P.	0-00-5	"
			602/2 Part	0-09-0	"
			602/3 Part	0-07-5	"
			602/9 Part	0-00-5	"
			336/1Part	0-05-0	"
			336/2Part	0-06-5	"
			337/2Part	0-08-0	"
			344/Part	0-07-5	"
			343/Part G.P.	0-01-0	"
			342/4Part	0-04-5	"
			342/5Part	0-07-0	"
			340/Part G.P.	0-02-5	"
			338/Part G.P.	0-00-5	"
			72/Part	0-10-5	"
			71/1Part	0-06-0	"
			71/2 Part	0-05-0	"
			71/3Part	0-03-0	"
			75/1 Part	0-07-5	"
			78/Part	0-01-5	"
			69/4 Part	0-02-5	"
			69/5Part	0-03-0	"
			69/6 Part	0-08-5	"
			79/4Part	0-03-0	"
			79/5Part	0-02-5	"
			79/6Part	0-05-5	"
			79/1Part	0-00-5	"
			81/1 Part	0-05-5	"
			63/1Part	0-06-5	"
			63/2Part	0-06-5	"
			62/1 Part	0-07-5	"
			61/2Part	0-07-5	"
			85/1Part	0-00-5	"
			86/2Part	0-08-5	"
			88/Part	0-03-0	"
			87/Part G.P.	0-02-0	"
			49/1APart	0-01-0	"
			48/1Part	0-00-5	"
			48/2Part	0-01-5	"
			48/3Part	0-02-0	"

SCHEDULE

Poduru	48/4Part	0-02-5	More or less
	48/5 Part	0-01-0	"
	48/8Part	0-07-5.	"
	47/1Part	0-01-00	"
	46 Part	0-15-5	"
	45/1Part	0-02-5	"
	25/1Part	0-03-0	"
	26/1 Part	0-05-0	"
	26/2Part	0-07-5	"
	34/1Part	0-06-5	"
	33 Part	0-08-0	"
	32/2Part	0-10-5	"
	31 Part G.P.	0-01-0	"
Total		4-37-0	H. ctars

[No. L-14016/16/93-G.P.]
ARDHENDU SEN, Director.

नई दिल्ली, 14 विमम्बर, 1993

का.आ. 26:—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाइन के लिए नरसापुर-कोव्वूरु में कविटम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथागिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है ;

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है ;

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है ;

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति संक्षेप प्राधिकारी गैस अथागिटी आफ इण्डिया लिमिटेड, के.जी. बेसीन, प्रोजेक्ट, 29-7-1/3/1, लक्ष्मीनारपेटा, अर्पोजीट, गौतमी लैब्रेरी, राजमंड़ी-533104 आंध्र प्रदेश में दर्ज करा सकता है ;

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है ।

अनुसूची

गैस पाइप लाइन

पेतुमदम कुशा संख्या 2 से नरसापुर-कोव्वूरु कविटम स्थित बाल्ल स्टेशन तक

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
1	2	3	4	5	6
दक्षिण गोदावरी	आचन्टा	वेसावरम्	94/1 बी भाग	0-06-0	कम या अधिक
			94/1 सी "	0-15-5	"
			94/3 "	0-00-5	"
			93 भाग	0-01-0	"
			(जी.पी.)		

1	2	3	4	5	6
दक्षिण गोदावरी	आचन्टा	वेमावरम	72/2 भाग	0-01-0	कम या अधिक
			71/1 ए ,,	0-09-5	„
			71/1 बी ,,	0-06-5	„
			70/1 ,,	0-07-0	„
			70/4 ,,	0-08-0	„
			69 ,,	0-00-5	„
			(जी.पी.)		
			54/1 ,,	0-00-5	„
			68/2 ,,	0-11-5	„
			55/1 ,,	0-11-5	„
			58/5 ,,	0-14-0	„
			58/6 ,,	0-14-5	„
			59/2 ए ,,	0-06-5	„
			59/2 बी ,,	0-06-0	„
			59/3 ,,	0-04-0	„
			59/5 ,,	0-00-5	„
			59/7 ,,	0-14-0	„
			59/8 ,,	0-00-5	„
			63/1 घाग	0-15-5	„
			62 ,,	0-02-0	„
			(जी.पी.)		
			कुल	1-56-5 हेक्टे.	

[संख्या एन-14016/16/93-जी.पी.]

अध्वेन्द्रु सेन, निदेशक

New Delhi, the 14th December, 1993

S.O. 26.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Narasapuram—Kovvuru at Kavitim Branch Pipeline is to be laid by the Gas Authority of India Limited,

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore in exercise of the powers conferred by sub-section (i) of Section 3 of the Petroleum & Minerals

pipelines (Acquisition of Right of Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., K.G. Basin Project, 29-7-13/1, Opposite Gowthami Library, Rajamundry-533104 Andhra Pradesh. And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

GAS PIPE LINE

Penumadam Well No. 1 To valve station of Narasapur—Kovvur Line at Kavitim

District	Mandal	Village	Survey No.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
West Godavari	Achanta	Vemavaram	94/1D Part	0-06-0	More or Less.
			94/1C Part	0-15-5	„
			94/3 Part	0-00-5	„
			93 Part G.P.	0-01-0	„
			72/2 Part	0-01-0	„

SCHEDULE

1	2	3	4	5	6
West Godavari	Achanta	Vemavaram	71/1A Part	0 09 5	More or less
			71/1B Part	0 06 5	..
			70/1 Part	0 07 0	..
			70/4 Part	0 08 0	..
			69/Part G.P.	0 00 5	..
			54/1 Part	0 00 5	..
			68/2 Part	0 11 5	..
			55/1 Part	0 11 5	..
			58/5 Part	0 14 0	..
			58/6 Part	0 14-5	..
			59/2A Part	0-06-5	..
			59/2B Part	0-06-0	..
			59/3 Part	0-04-0	..
			59/5 Part	0-00-5	..
			58/7 Part	0-14-0	..
			59/8 Part	0-00-5	..
			63/1 Part	0-15-5	..
			62/Part G.P.	0-02-0	..
			Total	1-56-5	Hectares

[No. L-14016/16/93-GP.]

ARDHENDU SEN, Director.

नई दिल्ली, 14 दिसम्बर, 1993

का.आ. 27:—अबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम से पदार्थ एवं प्राकृतिक गैस लेने के लिए नरस्मापूरमशोव्वुरु क्विंटम पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता) का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उम पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिभूतना को तारीख से 21 दिन के भारत भूमिगत, पाइप लाइन बिछाने के विरोध में अपनी आपत्ति संक्षेप प्राधिकारी गैस अथारिटी आफ इण्डिया लिमिटेड, के.जी. बसीन प्रोजेक्ट 29-7-1/3/1, लक्ष्मीवारपेटा, अणोजीट, गीतमी लैब्रेरी, राजमंड़ी-533104 आंध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत करना चाहता है।

अनुसूची

गैस पाइप लाइन

पेनुमदम कुंआरा संख्या 1 से नरसपुर-कोव्वर लाइन के कवितम स्थित वास्व स्टेशन तक

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्ट. / एकड़ में)	विवरण
दक्षिण गोदावरी	पोदूरु	कवितम	509/बीग (जी.पी.)	0-00-5	कम या अधिक
			507/1 "	0-11-5	"
			507/1 "	0-00-5	"
			508/ "	0-01-0	"
			402/ "	0-01-5	"
			जी (पी.)		
			403/2 "	0-00-5	"
			403/3 "	0-07-0	"
			कुल :	0-22-5	हेक्टे.

[सं. एन-14016/16/93-जी. पी.]

अर्धेन्दु सैन, निदेशक

New Delhi, the 14th December, 1993

S.O. 27.—Whereas it appears to the Central Government that it is necessary in the public interest that for the Transport of Petroleum and Natural Gas through Narasapuram—Kovvuru at Kavitam Branch Pipeline is to be laid by the Gas Authority of India Limited.

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto.

Now therefore in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals

pipelines. (Acquisition of Right of Users in the Land) Act, 1962 (30 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority. Gas Authority of India Ltd., K.G. Basin Project, 29-7-1/3/1, Opposite Gowthami Library, Rajamundry-533104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
West Godavari	Poduru	Kavitam	509/Part G.P.	3-00-5	More or Less
			507/1/Part	0-11-5	"
			501/1/Part	0-00-05	"
			508/Part	0-01-0	"
			402/Part	0-01-5	"
			G.P.		
			403/2/Part	0-00-5	"
			403/3/Part	0-07-0	"
			Total	0-22-5	Hectares

[No. L-14016/16/93-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 14 दिसंबर, 1993

का.आ. 28.—यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 196 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 2094 तारीख 30-07-1992 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाईप लाईन के बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने के विनिश्चय किया है।

अब अतः अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अर्थोरिटी ऑफ इंडिया लिमिटेड, राजमंजूरी में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से (निहित होगा)।

अनुसूची

टाटीपाका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
ईस्ट गोवावरी	रामाचन्द्रापुरम	ओडुरु	281 भाग	0.03.0	कम था ज्यादा
			276 ,,	0.14.0	,,
			275/1 ,,	0.07.5	,,
			275/2 ,,	0.04.5	,,
			272/3 ,,	0.00.5	,,
			274 ,,	0.01.0	,,
			(जी.पी.)		
			186/1 ,,	0.15.0	,,
			187/3 ,,	0.08.5	,,
			188/1 ,,	0.08.5	,,
			151/2 ,,	0.00.5	,,
			189/2 ,,	0.01.0	,,
			150/2वीं ,,	0.10.5	,,
			150/3 ,,	0.05.5	,,
			149/6 ,,	0.00.5	,,
			(जी. पी.)		
कुल			0.82.0		

[सं. एज.-14016/16/93-जी. पी.]

अधेन्दु सेन, निदेशक

New Delhi, the 14th December, 1993

S.O. 28.—Whereas by Notification of the Government of India in the Ministry of Petroleum S.O. 2094 dated 30-7-92 under sub-section (i) of Section of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (i) of Section 6 of the said Act, submitted report to the Government.

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the schedule appended to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (i) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

[No. L-14016/16/93-G.P.]

SCHEDULE
TATIPAKE - KAKINADA GAS PIPE LINE PROJECT
SECTION
(ENDAMURU - ODURU ; BRANCH LINE)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
East Godavari	Ramachandrapuram	Oduru	281 Part	0-03-0	More or Less
			276 Part	0-14-0	"
			275		
			1 Part	0-07-5	"
			275		
			2 Part	0-04-5	"
			2		
			272		
			3 Part	0-00-5	"
			274 (G.P.) Part	0-01-0	"
			186		
			1 Part	0-15-0	"
			1		
			187 Part	0-10-0	"
			188		
			1 Part	0-08-5	"
			1		
			151		
			2 Part	0-00-5	"
			2		
			189		
			2 Part	1-01-0	"
			2		
			150		
			2B Part	0-10-5	"
			150		
			3 Part	0-05-5	"
			3		
			149 (G.P.)		
			6 Part	0-00-5	"
			6		
			Total	0-82-0	

[No. L-14016/16/93-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 14 दिसम्बर, 1993

का.आ. 29.—यह: पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) के अधिनियम 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग संवर्धन, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 2092 तारीख 30-07-1992 द्वारा भारत सरकार ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाइप लाइन के बिछाने के प्रयोजन के लिये अर्जित करने का अपेक्षा आणव्य घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना के संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड, राजगंडी में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

टाटीपाका-काकीनाडा गैस पाईप लाइन प्रोजेक्ट

जन्मपथ	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे./ एकड़ में)	विवरण
गोदवरी	करापा	बेलांगी	184/2 भाग	0.06.0	कम या ज्यादा
			183 „	0.14.0	„
			175 „	0.07.5	„
			176/4 „	0.05.5	„
			174/4 „	0.01.0	„
			174/2 „	0.12.5	„
			174/1 „	0.02.0	„
			165 „	0.01.0	„
			(जी.पी.)		
			163/2 „	0.09.0	„
			161/1 „	0.07.0	„
			160 „	0.09.5	„
			159/5 „	0.11.0	„
			134 „	0.04.0	„
			(जी.पी.)		
			133/1 „	0.05.5	„
			126 „	0.01.0	„
			(जी.पी.)		
			123/4 „	0.07.5	„
			121/8 „	0.10.5	„
			121/7 „	0.01.0	„
			121/10 „	0.05.0	„

1	2	3	4	5	6
1. गोदावरी—(जारी)	कारापा—(जारी)	वेलांगी—(जारी)	121/1 भाग	0-01-5	कम वा ज्यादा
			122/2 „	0-02-5	„
			122/1 भाग	0-16-5	„
			101 „	0-01-0	„
			(जी. पी.)		
			105/2 „	0-11-0	„
			109 „	0-06-0	„
			कुल :	1-59-0	हेक्टे.

[सं. एल-14016/16/93-जी. पी.]

अर्थोन्मुख सेन, निदेशक

New Delhi, the 14th December, 1993

S.O. 29.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 2092 dated 30-7-92 under sub-section (1) of Section 3 of the Petroleum and Minerals pipe lines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the Lands specified in the Schedule appended to that notification for purpose of laying pipe line;

And whereas the Contetent Authority has under Sub-Section (i) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the Schedule appended to this Notification;

Now therefore in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by Sub-Section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting of Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE

TATIPAKE - KAKINADA GAS PIPE LINE PROJECT

SECTION : ENDAMURU-ODURU

(BRANCH LINE)

District	Mandal	Village	Survey Nos.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
Godavari	Karapa	Velangi	184		
			Part	0-06-0	More or Less
			2		
			183 Part	0-14-0	„
			175 Part	0-07-5	„
			176 Part		
				0-05-5	„
			4		

1	2	3	4	5	6
East Godavari	Karapa	Velangi	174		More or Less
			4	Part 0-01-0	"
			174	Part 0-12-5	"
			2		
			174	Part 0-02-0	"
			1		
			165 Part (G.P.)	0-01-0	"
			163	Part 0-09-0	"
			2		
			161	Part 0-07-0	"
			1		
			160 Part	0-09-5	"
			159	Part 0-11-0	"
			5		
			134 Part (G.P.)	0-04-0	"
			133	Part 0-05-5	"
			1		
			126 Part (G.P.)	0-01-0	"
			123	Part 0-07-5	"
			4		
			121	Part 0-10-5	"
			8		
			121	Part 0-01-0	"
			7		
			121	Part 0-05-0	"
			10		
			121	Part 0-01-5	"
			1		
			122	Part 0-02-5	"
			2		
			122	Part 0-16-5	"
			1		
			101 Part (G.P.)	0-01-0	"
			105	Part 0-11-0	"
			2		
			109 Part	0-06-0	"
			Total	1-59-0	"

[No. L-14016/16/93-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 14 दिसंबर, 1993

का.आ. 30.—यतः पेट्रोलियम और खनिज पाईप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोरसायन विभाग की अधिसूचना का.आ. 2095 तारीख 30-7-1992 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाईप लाइन के बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट द दी है।

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है ;

अब अतः अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है ;

और आगे इस धारा की उपधारा (4) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथॉरिटी ऑफ इंडिया लिमिटेड, राजगमड़ी में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

टाट्टेपका-काकीनाडा गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हे. टे./ एकड़ में)	विवरण
हस्ट गोवावरी	करापा	बेडाबूरु	95 भाग (जी. पी.)	0-06-0	कम या ज्यादा
			106 भाग	0-03-5	"
			4	0.03.5	"
			(जी. पी.)		
			106 "	0-00-5	"
			3		
			108 "	0-03-0	"
			1		
			109 भाग	0-05-5	"
			5		
			109 भाग	0.-05-5	"
			3		
			109 "	0-03-5	"
			1		
			109 भाग	0-04-5	"
			2		
			112 भाग	0-03-5	"
			1		

1	2	3	4	5	6
इस्टे गोदावरी—जारी	करापा	बेंडामूरु	113 भाग	0.07.5	कम या ज्यादा
			133 "	0.06.5	"
			1		
			131 "	0.01.0	"
			2		
			131 "	0.03.5	"
			3		
			131 "	0.05.5	"
			1		
			132 "	0.11.0	"
			1		
			130 "	0.06.0	"
			2		
			129 "	0.01.0	"
			(जी.पी.)		
			123 "	0.04.5	"
			122 "	0.06.0	"
			124 "	0.07.5	"
			2		
			बी.एफ.	0.95.0	"
			124 "	0.06.0	"
			1		
			163 "	0.23.5	"
			182 "	0.07.0	"
			(जी.पी.)		
			183 "	0.00.5	"
			1		
			184 "	0.05.5	"
			2		

1	2	3	4	5	6
पूर्वी गोदावरी--(जारी)	करापा--(जारी)	येन्डामुरु--(जारी)	184 भाग	0-02-5	कम या ज्यादा
			3		
			184 "	0-09-5	"
			4		
			185 "	5-03-5	"
			190 "	0-07-5	"
			189 "	0-02-0	"
			(जी. पी.)		
			188 "	0-08-5	"
			2		
			कुल	1-71-0	हेक्टे.

[सं. एल-14016/16/93-जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 14th December. 1993

S.O. 30.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 2095 dated 30-7-92 under sub-section (i) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under sub-section (i) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the Schedule appended to this notification;

Now therefore in exercise of the powers conferred by sub-section (i) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of powers conferred by sub-section (4) of the Section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE
TATIPAKE-KAKINADA GAS PIPE LINE PROJECT
SECTION : ENDAMURU-ODURU
(BRANCH LINE)

District	Mandal	Village	Survey No.	Area (In Hect./Acres)	Remarks
1	2	3	4	5	6
East Godavari	Karapa	Endamuru	95 Part (G.P.)	0-06-0	More for less
			106		
			4 Part (G.P.)	0-03-5	"
			106		
			3 Part	0-00-5	"
			108		
			1 Part	0-03-0	"

1	2	3	4	5	6
ST Godavari	Karapa	Endamuru	109 5	Part 0-05-5	More or Les
			109 3	Part 0-05-5	„
			109 1	Part 0-03-0	„
			109 2	Part 0-04-5	„
			112 1	Part 0-03-5	„
			113 Part	0-07-5	„
			133 1	Part 0-06-5	„
			131 2	Part 0-01-0	„
			131 3	Part 0-03-5	„
			131 1	Part 0-05-5	„
			132 1	Part 0-11-0	„
			130 2	Part 0-06-0	„
			129 Part (G.P.)	0-01-0	„
			123 Part	0-04-5	„
			122 Part	0-06-0	„
			124 2	Part 0-07-5	„
			Total	0-095-0	„
			124 1	Part 0-06-0	„
			163 Part	0-23-5	„
			182 Part (G.P.)	0-07-0	„
			183 1	Part 0-00-5	„
			184 2	Part 0-05-5	„

1	2	3	4	5	6
ST Godavari	Karapa	Endamuru	184	Part 0-02-5	More or Less
			3		"
			184	Part 0-09-5	"
			4		"
			185 Part	0-03-5	"
			190 Part	0-07-5	"
			189 Part	0-02-0	"
			(G.P.)		"
			188	Part 0-08-5	"
			2		"
			Total	1-71-0	"

[No. L—14016/16/93-G.P.]

ARDHENDHU SEN, Director

नई दिल्ली, 14 दिसम्बर, 1993

का. आ. 31.—यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) धारा 3 की उपधारा (1) के अधीन भारत सरकार के उद्योग मंत्रालय, रसायन और पेट्रोसायन विभाग की अधिसूचना का. आ. 2093 तारीख 30-07-1992 द्वारा भारत सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के अधिकार को पाईप लाईन के बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था ;

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है ;

और आगे यतः भारत सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त अधिकारों का प्रयोग करते हुए भारत सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है ;

और आगे इस धारा की उपधारा (4) द्वारा प्रवृत्त अधिकार का प्रयोग करते हुए भारत सरकार निर्देश देती है कि उक्त भूमियों में अधिकार, भारत सरकार में निहित होने के बजाय गैस अथारिटी ऑफ इन्डिया लिमिटेड, राजमंडी में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख से निहित होगा।

अनुसूची

टाटीपाका—काकीनाडा गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	गांव	सर्वे नं.	क्षेत्रफल (हेक्टे./एकड़ में)	विवरण
1	2	3	4	5	6
ईस्ट गोदावरी	काशपा	पेड्डापुरपाडु	52 भाग	0.02-0	कम या ज्यादा
			1 ए 3		
			51		
			1	0.13-0	"
			50		
			2	0.13-0	"

1	2	3	4	5	6	
			185	भाग	0. 0-5	कम या ज्यादा
			49			
			—	"	0. 07-5	"
			1			
			49			
			—	"	0. 05-0	"
			2			
			46			
			—	"	0. 00-5	"
			2			
			46			
			—	"	0. 00-0	"
			3			
			46			
			—	"	0. 06-0	"
			4			
			46			
			—	"	0. 04-0	"
			5			
			46			
			—	"	0. 05-0	"
			6			
			37		0. 14-0	"
			41			
			—	"	0. 00-5	"
			6			
			(जी. पी.)			
			38			
			—	"	0. 09-5	"
			1			
			38			
			—	"	0. 04-0	"
			3			
			38			
			—	"	0. 01-0	"
			4			
			(जी. पी.)			
			38			
			—	"	0. 01-0	"
			5			
			39			
			—	"	0. 05-5	"
			2			
			30		0. 01. 0	"
			(जी. पी.)			
			29			
			—	"	0. 06-0	"
			1			
			कुल		1. 07-0	हेक्टे.

New Delhi, the 14th December, 1993

S.O. 31.—Whereas by notification of the Government of India in the Ministry of Petroleum S.O. 2093 dated 30-7-92 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for purpose of laying pipeline;

And whereas the Competent Authority has under Sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of

user in the lands specified in the Schedule appended to this Notification;

Now therefore in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by Sub-section (4) of the Section the Central Government directs that the right of user in the lands shall instead of vesting in Central Government vest on this date of the publication of this declaration the Gas Authority of India Limited free from encumbrances.

SCHEDULE
TATIPAKE - KAKINADA GAS PIPE LINE PROJECT
SECTION : ENDAMURU-ODURU
(BRANCH LINE)

District	Mandal	Village	Survey No.	Area (In Hect/Acres)	Remarks
1	2	3	4	5	6
East Godavari	Karapa	Peddapurppadu	52		
			Part	0-02-0	More or Less
			1A3		
			51		
			Part	0-12-0	"
			1		
			50		
			Part	0-13-0	"
			2		
			185 Part	0-00-5	"
			49		
			Part	0-07-5	"
			1		
			49		
			Part	0-05-0	"
			2		
			46		
			Part	0-00-5	"
			2		
			46		
			Part	0-09-0	"
			3		
			46		
			Part	0-06-0	"
			4		
			46		
			Part	0-04-0	"
			5		
			46		
			Part	0-05-0	"
			6		
			37		
			Part	0-14-0	"
			41		
			Part	0-00-5	"
			6 (G.P.)		

SCHEDULE

38				
1	Part	0-09-5		"
38				
3	Part	0-04-0		"
38				
4 (G.P.)	Para	0-01-0		"
38		0-01-0		"
5				
39		0-05-5		"
2				
30 Part (G.P.)		0-01-0		"
29				
1	Part	0-06-0		"
Total		1-07-0		

[No. L-14016/16/93-G.P.]
ARDHENDU SEN, Director.

नई दिल्ली, 14 दिसम्बर, 1993

का. घा. 32--भारत के राजपत्र भाग--II खंड-3(ii)
ई.ओ. में दिनांक 3-12-92 को का. घ. सं. 103(ई) के अंतर्गत
प्रकाशित आंशिक प्रशिक्षण में निम्नलिखित सर्वेक्षण जोड़ ली जाए

गाँव	जिला	तहसील	सर्वे संख्या	क्षेत्र	बीघा	बिसवा
1	2	3	4	5	6	
खेड़ा कला	दिल्ली	दिल्ली	59/23	0	17	

[O-14016/1/92-जी. पी.]

अर्धेन्दु सेन, निदेशक

CORRIGENDUM

New Delhi, the 14th December, 1993

S.O. 3.—The partial notification published in the Gazette of India Part II Section 3 (ii) E.O. vide S.O. No. 103(E) dt. 3-12-92 under section (i), The following survey nos. may be added :—

Village	Distt.	Tehsil	Survey No.	Area	
				Bigha	Biswa
Kheda Kalan	Delhi	Delhi	59/23	0	17
			72/7/1	0	12
			7/2	0	8
			71/3	1	0

[O-14016/1/92 GP]

ARDHENDU SEN, Director

शुद्धि पत्र

नई दिल्ली, 14 दिसम्बर, 1993

क्र. आ. 33—भारत के राज्य भाग II खंड-3(ii) ई. ओ. में दिनांक 3-12-92 के आ. आ. 103(ई) के खंड (i) के अन्तर्गत प्रकाशित आंशिक अधिसूचना में निम्नलिखित सर्वेक्षण संख्याएं जोड़ दी जाए :-

गांव	जिला	तहसील	सर्वे संख्या	क्षेत्र	
				बीघा	बिसवा
प्रह्लाद पुर	दिल्ली	दिल्ली	5/1/2	0	12
			3/1	0	5

[आ-14016/1/92 जी. पी.]

अर्धेन्दु सेन, निदेशक (प्र. गैस)

CORRIGENDUM

New Delhi, the 14th December, 1993

S.O. 33.—The partial notification published in the Gazette of India Part II Section 3(ii) E.O. vide S.O. 103(E) dt 3-12-93 under section (i). The following survey nos. may be added:—

Village	Distt.	Tehsil	Survey No.	Area	
				Bigha	Biswa
Prahlad Pur	Delhi	Delhi	5/1/2	0	12
			3/1	0	5

[O-14016/1/92 GP]

ARDHENDU SEN, Director (NG)

शुद्धि पत्र

नई दिल्ली, 14 दिसम्बर, 1993

क्र. आ. 34—भारत के राज्य भाग II खंड-3 (ii) ई. ओ. में दिनांक 3-12-92 के आ. आ. 103(ई) के खंड--(ii) के अन्तर्गत प्रकाशित आंशिक अधिसूचना में निम्नलिखित सर्वेक्षण संख्याएं जोड़ दी जाए :-

गांव	जिला	तहसील	सर्वे संख्या	क्षेत्र	
				बीघा	बिसवा
कंसाला	दिल्ली	दिल्ली	21/1	21	0 16
				30/1	0 08
				31/3	0 13
				73/8	0 17
				11	0 13
				12	0 17
				20	0 05
				72/16	0 17
				17/2	0 6
				22	0 6
				23	0 14
				24	0 06
				77/2/1	0 10
				3	0 08
				18	0 11
				19	0 12
				22	0 06

[आ-14016/1/92 जी. पी.]

अर्धेन्दु सेन, निदेशक (प्र. गैस)

CORRIGENDUM

New Delhi, the 14th December, 1993

S.O. 34. The partial notification published in the Gazette of India, Part II, Section 3 (ii) E.O. vide S.O. No. 103(E) dtd. 3-12-92 under section (i), the following survey nos. may be added:—

Village	Distt.	Tehsil	Survey No.	Area	
				Bigha	Biswa
Kanjhawala	Delhi	Delhi	21/1	0	19
			5	0	01
			6	0	17
			7/2	0	01
			14	0	17
			3	0	08
			18	0	11
			19	0	12
			22	0	06
			21	0	16
			30/1	0	08
			31/5	0	13
			73/8	0	17
			11	0	13
			12	0	17
			20	0	05
			72/16	0	17
			17/2	0	6
			22	0	6
			23	0	14
			24	0	06
			77/2/1	0	10

[O-14016/1/92 GP]

ARDHENDU SEN, Director(NG)

Sd/- (illegible)

नई दिल्ली, 14 दिसम्बर, 1993

प्र. आ. 35 - बिना केन्द्र सरकार की अनुमति की है कि सर्वजनिक हित में यह आवश्यक है कि पेट्रोलियम संचयन एवं प्राकृतिक गैस लाने के लिए एच. बी. जे. पाइपलाइन परियोजना के अन्तर्गत एक पाइप लाइन, गैस अग्रेगरेटो ऑफ इंडिया लिमिटेड द्वारा बिछाई जानी है।

और यह भी अनुमति यहाँ है कि उक्त कार्य के लिए इसके साथ संलग्न विवरणों में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

प्र. पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962-यस 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता के अधिकार ग्रहण करने का आदेश की घोषणा करती है।

बुझते कि उक्त भूमि में अपनी रुचि रखने वाले कोई भी व्यक्ति अधिप्राप्त की तारीख से 21 दिनों के भीतर भूमिगत पाइपलाइन बिछाने के विरोध में अपनी आपत्ति सज्जम प्राधिकारी, गैस अग्रेगरेटो ऑफ इंडिया लि., एच. बी. जे. पाइप लाइन परियोजना, विकासदीप बिल्डिंग, 22-स्टेशन रोड, लखनऊ-226019, उ. प्र. में दर्ज करा सकता है।

और ऐसे आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अपना विधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुपूरक बाब अनुसूची-

एच. बी. जे. गैस पाइप लाइन प्रोजेक्ट,

नियम	तहसील	परगाणा	सर्वा	और अन्य विवरण
				संबंधित बोर्ड में
1	2	3	4	5
कानपुर	कानपुर	कानपुर	अ. नं. 677	0-3-3
नगर	नगर	नगर		

[न. एल-14016/16/93-जो. पा.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 14th December, 1993

S.O. 35.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transfer of Petroleum and Natural Gas through Narasapuram—Kovvuru at Kavutam Branch Pipeline is to be laid by the Gas Authority of India Limited :

And whereas it appears that for the purpose of laying this pipeline it is necessary to acquire the right of user in the land described in the schedule annexed hereto ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum & Minerals pipelines (Acquisition of Right of users in the land) Act, 1962

(50 of 1962), the Central Government hereby declares its intention to acquire the Right of User therein :

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H. B. J. Pipelines Project, Vikasdeop Building, 22-Station Road, Lucknow-226019, U.P.;

And every person making such an objection shall also state specifically whether he wishes to heard in person or by legal Practitioner.

SCHEDULE
SUPPLEMENTARY CASE
H.B.J. Gas Pipe Line Project

District	Tahsil	Pargana	Village	Plot No.	Area in Bigha	Remark
1	2	3	4	5	6	7
Kanpur City	Kanpur City	Kanpur City	Ahirwan	677	0-3-0	

[No. L-14016/16/93-GP]
ARDHENDU SEN, Director

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 8 दिसम्बर, 1993

का.भा. 36.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद से परामर्श करने के पश्चात उक्त अधिनियम की पहली अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

- (1) “भारतीदामन विश्वविद्यालय से संबन्धित प्रविष्टियों में” “बैचलर आफ मेडिसिन और बैचलर आफ सर्जरी—एम.बी.बी.एस.” प्रविष्टि के पश्चात निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :—

“डिप्लोमा इन साइकोलॉजिकल मेडिसिन—बी.पी.एम. डाक्टर आफ मेडिसिन एम.डी. (विकृति विज्ञान)”

- (2) डा. एम.जी.भार. आयुर्विज्ञान विश्वविद्यालय मद्रास से संबन्धित प्रविष्टियों में “डाक्टर आफ मेडिसिन (विकिरण चिकित्सा) एम.डी. (वि.चि.)” प्रविष्टि के पश्चात, निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात् :—

“डाक्टर आफ मेडिसिन (विकृति विज्ञान) एम.डी. (वि.चि.)

मास्टर आफ सर्जरी (नेत्र विज्ञान) एम.एस. (ने.चि.)”

[सं. बी-11015/6/93-एम.ई. (यू.जी.)]

सुधेश कुमार माही, डेस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)

New Delhi, the 8th December, 1993

S.O. 36.—In exercise of the powers conferred by sub-section (2) of Section 11 of the Indian Medical Council Act, 1956 (102 of 1956) the Central Government, after consulting the Medical Council of India hereby makes the following further amendment in the First Schedule to the said Act, namely :—

- (1) in the entries relating to Bharathidasan University, after the entry “Bachelor of Medicine and Bachelor of Surgery.... M.B.B.S.” the following entries shall be inserted, namely :—

“Diploma in Psychological Medicine... D. P. M.
Doctor of Medicine (Pathology)... M.D. (Pathology)”

- (ii) in the entries relating to Dr. M. G. R. Medical University, Madras, after the entry “Doctor of Medicine (Radio-Therapy)... M. D. (Radio Therapy)” the following entries shall be inserted, namely :—

“Doctor of Medicine (Pathology)... M. D. (Pathology)
Master of Surgery (Ophthalmology)—M. S. (Ophthalmology)”

[No. V. 11015,6/93-ME(UG)]
S. K. SHAHI, Desk Officer

शाहरी विकास मंत्रालय

सारणी

नई दिल्ली, 30 नवम्बर, 1993

का.आ. 37 —लोक परिसर (अनधिकृत दखल करने की चेदखली) नियमावली, 1971 के नियम 6 के अनुसरण में, केन्द्र सरकार एतद्वारा नीचे दी गई सारणी के कालम 1 में उल्लिखित राजपत्रित अधिकारी को किसी सम्पदा अधिकारी के समक्ष संबंधित और उक्त सारणी के कालम 2 में निश्चित लोक परिसरों से संबंधित किसी कार्यवाही को किसी ऐसे अन्य सम्पदा अधिकारी को देने के लिए, जो उसके निपटान के लिए सक्षम हो, तथा सम्पदा अधिकारियों के बीच कार्य-वितरण के लिए प्राधिकृत करती है।

राजपत्रित अधिकारी

लोक परिसर

प्राप्त (भूमि एवं प्रबंध)
दिल्ली विकास प्राधिकरण

दिल्ली विकास प्राधिकरण से संबंधित परिसर और केन्द्र सरकार के ऐसे अन्य परिसर जिन पर उक्त प्राधिकरण का नियंत्रण या प्रबंध हो।

[सं. के-11011/65/73-डी डी 1ए]

आर. बनर्जी, निदेशक

MINISTRY OF URBAN DEVELOPMENT

New Delhi, the 30th November, 1993

S.O. 37 .—In pursuance of Rule 6 of the Public Premises (Eviction of Unauthorised Occupants) Rules, 1971, the Central Government hereby authorises the Gazetted Officer mentioned in Column 1 of the Table below to transfer any proceedings pending before an Estate Officer and pertaining to public premises specified in column 2 of the said Table, or disposal to any other Estate Officer competent to dispose of the same, and for distribution of work amongst Estate Officers.

TABLE

Gazetted Officer	Public Premises
Commissioner (Land & Management), DDA	Premises belonging to the Delhi Development Authority and such other premises, belonging to the Central Government as are controlled or managed by the said Authority.

[No. K-11011/65/93-DD(A)]

R. BANNERJI, Director

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 16 दिसम्बर, 1993

का.आ. 38 —चूंकि भारतीय तार नियमावली, 1951 के नियम 434(ii)(2)(ग) के अनुसार सलेम और मैयनूर टेलीफोन एक्सचेंज प्रणालियों के स्थानीय क्षेत्र में संशोधन करने के बारे में सलेम तथा मैयनूर में प्रचलित समाचार पत्रों में एक सार्वजनिक सूचना प्रकाशित की गई थी जिसमें संभवतया इससे प्रभावित होने वाले व्यक्तियों की आपत्तियां तथा उनके सुझाव समाचार पत्रों में सूचना के प्रकाशन की तारीख से 30 दिन के भीतर मांगे गए थे,

और चूंकि जनता के उपर्युक्त सूचना की जानकारी में दिनांक 5-4-93 के इंडियन एक्सप्रेस तथा दिनांक 6-4-93 के डेली थान्ती में प्रकाशित किये गए थे।

और चूंकि उपर्युक्त सूचना के उत्तर में जनता से कोई आपत्ति और सुझाव प्राप्त नहीं हुए हैं।

अतः अब उपर्युक्त नियमावली के नियम 434(iii)(2)(ग) में प्रदान शक्तियों का प्रयोग करते हुए, महानिदेशक, दूरसंचार एतद्वारा घोषणा करते हैं कि 01-1-94 से सलेम का संशोधित स्थानीय क्षेत्र इस प्रकार होगा :—

सलेम टेलीफोन एक्सचेंज प्रणाली

सलेम टेलीफोन प्रणाली के स्थानीय क्षेत्र में सलेम नगरपालिका के क्षेत्राधिकार में आने वाले क्षेत्र तथा मैयनूर एक्सचेंज से 5 कि.मी. की असीम दूरी के भीतर आने वाले क्षेत्र शामिल होंगे।

वर्णित कि जो टेलीफोन उपभोक्ता सलेम नगरपालिका क्षेत्र की सीमा से बाहर रहते हों लेकिन जिन्हें सलेम टेलीफोन प्रणाली से सेवा प्रदान की जा रही हो, वे तब तक स्थानीय शुल्कों का भुगतान करते रहेंगे जब तक कि वे इस प्रणाली के किसी भी एक्सचेंज की 5 कि.मी. की असीम दूरी के भीतर रहते हैं और इसमें जुड़े रहते हैं।

[सं. 3-8/86-पी एच बी]

गुरदीप सिंह, निदेशक फॉन्म(ई)

MINISTRY OF COMMUNICATIONS

(Department of Telecommunications)

New Delhi, the 16th December, 1993

S.O. 38.—Whereas a public notice for revising the local area of Salem and Mayyanur Telephonic Exchange Systems was published as required by rule 434 (III)(2)(C) of the Indian Telegraph Rules, 1951 in the Newspaper in circulation at Salem and Mayyanur, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 5-4-93 in the Indian Express and 6-4-93 in the Daily Thanti Newspapers;

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the powers conferred by rule 434(III)(2)(C) of the said Rules, the Director General Telecommunications hereby declares that with effect from 01-01-1994 the revised local area of Salem shall be as under :

Salem Telephone Exchange System :

The local area of Salem Telephone System shall cover an area falling under the jurisdiction of Salem Municipality and the area within 5 kms radial distance from Mayyanur Telephone Exchange;

Provided that the telephone subscribers located outside Salem Municipal limits but who are served from Salem Telephone System shall continue to pay local tariffs as long as they are within 5 kms radial distance of any exchange of this system and remain connected to it.

[No. 3-8/86-PHB]

GURDIP SINGH Director (Phones-E)

नई दिल्ली, 16 दिसम्बर, 1993

का.प्र. 39—चूंकि भारतीय तार नियमावली, 1951 के नियम 434 (iii) (2) (ग) के अनुसार तिरुनेलवेलि और पालयमकोट्टई टेलीफोन एक्सचेंज प्रणालियों के स्थानीय क्षेत्र में संशोधन करने के बारे में तिरुनेलवेलि और पालयमकोट्टई में प्रचलित समाचार पत्रों में एक सार्वजनिक सूचना प्रकाशित की गई थी जिसमें संभवतया इससे प्रभावित होने वाले व्यक्तियों की आपत्तियों तथा उनके सुझाव समाचार पत्रों में सूचना के प्रकाशन की तारीख से 30 दिन के भीतर मांगे गए थे,

और चूंकि जनता को उपर्युक्त सूचना की जानकारी दिनांक 7-3-93 के "डेली थान्ती" और "दिनमानार" समाचार पत्रों में दे दी गई थी।

और चूंकि उपर्युक्त सूचना के उत्तर में जनता में कोई आपत्ति और सुझाव प्राप्त नहीं हुए है।

अतः अब उपर्युक्त नियमावली के नियम 434 (iii) (2) (ग) में प्रदत्त शक्तियों का प्रयोग करते हुए, महानिदेशक, दूरसंचार एतद्वारा घोषणा कर रहे हैं कि 1-1-1994 से तिरुनेलवेलि का संशोधित स्थानीय क्षेत्र इस प्रकार होगा :—

तिरुनेलवेलि टेलीफोन एक्सचेंज प्रणाली

तिरुनेलवेलि टेलीफोन के स्थानीय क्षेत्र में तिरुनेलवेलि नगरपालिका तथा पालयमकोट्टई नगरपालिका के क्षेत्राधिकार में आने वाले क्षेत्र शामिल होंगे।

बशर्ते कि जो टेलीफोन उपभोक्ता तिरुनेलवेलि नगरपालिका तथा पालयमकोट्टई नगरपालिका की सीमा से बाहर रहते हों लेकिन जिन्हें तिरुनेलवेलि टेलीफोन प्रणाली से सेवा प्रदान की जा रही हो, वे तब तक स्थानीय शुल्कों का भुगतान करते रहेंगे जब तक कि वे इस प्रणाली के किसी भी एक्सचेंज की 5 कि.मी. की अरिथ दूरी के भीतर रहते हैं, और इससे जुड़े रहते हैं।

[स. 3-8/86-पी एच बी]

गुरदीप सिंह, निदेशक (फोन्स-ई)

New Delhi, the 16th December, 1993

S.O. 39.—Whereas a public notice for revising the local area of Tirunelveli and Palayamkottai Telephone Exchange Systems was published as required by rule 434 (III)(2)(C) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Tirunelveli and Palayamkottai, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 7-9-93 in the 'Daily Thanti' and 'Dinamalar' newspapers;

And whereas no objections and suggestions have been received from the public on the said notice;

Now, therefore, in exercise of the powers conferred by rule 434(III)(2)(C) of the said Rules, the Director General Telecommunications hereby declares that with effect from 1-1-94 the revised local area of Tirunelveli shall be as under;

Tirunelveli Telephone Exchange System :

The local area of Tirunelveli Telephone System shall cover an area falling under the jurisdiction of Tirunelveli Municipality and Palayamkottai Municipality;

Provided that the telephone subscribers located outside the Tirunelveli and Palayamkottai municipal limits but who are served from Tirunelveli Telephone system shall continue to pay local tariffs as long as they are located within 5 kms radial distance of any exchange of this system and remain connected to it.

[No. 3-8/86-PHB]

GURDIP SINGH, Director (Phone-E)

अम संवत्तय

नई दिल्ली, 16 दिसम्बर, 1993

का.प्र. 40.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, सीपीएल के प्रवक्ता के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 25-11-93 को प्राप्त हुआ था।

[संख्या एल 22013/2/93 प्रार्थ, अम (सी-II)]

राजा लाल, उपाध्यक्ष अधिकारी

MINISTRY OF LABOUR

New Delhi, the 2nd December, 1993

S.O. 40.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CC Ltd. and their workmen, which was received by the Central Government on 25-11-93.

[No. L-22013/2/93-IR C-II]

RAJA LAL, De P. Officer

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri R. K. Dash, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar,

Industrial Dispute Misc Case No. 1 of 1985 (Central)
(U/s 33-A)

Dated, Bhubaneswar, the 10th day of November, 1993

Sri Sukum Bhutta, At/P.O. Barampur, Via. Talcher,
Dist. Dhenkanal. Complainant workman

Versus

The management of Talcher Colliery, Central Coalfields Ltd., At/P.O. Dera, Dist. Dhenkanal,
.. Opposite Party—management

APPEARANCES :

Sri P. C. Sahoo, President of Orissa Coalfields Labour Union—For the complainant-workman.

Sri R. S. Sharma, Sr. Personnel Officer—For the O.P.—management.

AWARD

This is a complaint filed under section 33-A of the Industrial Disputes Act, 1947 (for short 'Act') by the complainant who has since been retired from service in December, 1985. His grievance in short is that the O.P.—Management of Talcher Colliery transferred him from Dera Colliery to Nandira Colliery without complying with the statutory requirements of Section 33 of the Act in as much as, it did not take necessary approval of the aforesaid action from this Tribunal before which an earlier dispute in I.D. Case No. 14 of 1984 (Central) was pending for adjudication in which he was a workman concerned. He has therefore, prayed that the order of transfer passed against him should be interfered with and necessary orders in accordance with law be passed.

2. Denying all the allegations of the complainant-workman, the O.P. management has challenged the verifiability of the proceeding u/s 33-A of the Act.

3. For better appreciation of the case, it is necessary to reproduce the provisions of sub-section (1) (2) of Section 33 of the Act as under :—

33(1) "During the pendency of any conciliation proceeding before a conciliation officer or a Board or any proceeding before an arbitrator or a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall—

(a) in regard to any matter connected with the dispute, alter to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or

(b) for any misconduct connected with the dispute discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute : save with the express permission in writing of the authority before which the proceeding is pending

(2) During pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute or where there are no such standing orders in accordance with the terms of the contract, whether express or implied between him and the workman,—

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceedings; or

(b) for any misconduct not connected with the dispute discharge or punish whether by dismissal or otherwise that workman:

Provided that no such workman shall be discharged or dismissed unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

A reading of sub-section (1) of Section 33 envisages that no employer can alter the condition of service of a workman or discharge or punish him whether by dismissal or otherwise for any misconduct without taking express permission in writing from the authority before which an industrial dispute is pending provided that the same are connected with the dispute and that the workman is concerned in the said dispute. There is little difference in between sub-section (1) and sub-section (2). As to sub-section (2) of Section 33, it is provided therein that during pendency of any industrial dispute, the employer can alter in regard to any matter not connected with the dispute the condition of service of a workman. He can also discharge or punish a workman for any misconduct subject to the condition of his making payment of one month's wages and simultaneously filing an application seeking necessary approval of the action to the authority before which dispute is pending for adjudication.

Neither of the provisions, as aforesaid, is applicable to the facts of the present case since because the order of transfer of the workman from one Colliery to other is not a change in the conditions of service or it amounts to any punishment. An employer has unfettered right to transfer any of his employees to one place to other provided it is not done with any ill motive.

4. The sum and substance of the evidence of the complainant-workman is that by being so transferred he suffered a loss of Rs. 300 per month in his wages. This evidence of his has not been supported by any other acceptable evidence. On the other hand, the O.P. W.1 speaks that if a workman including a Loader is transferred from Talcher to Nandira Colliery and vice-versa he does not lose anything. He goes on to say that after being transferred the complainant-workman prayed for voluntary retirement and absorption of his son. This prayer was accepted and his son was given employment as a Mechanical Fitter. In view of such evidence, the complainant-workman ought not to have fought out this meaningless litigation.

5. In view of my discussions made above, I find no merit in the case and hence I dismiss the same.

Dictated and corrected by me.

1

Sd/- Illegible
Presiding Officer

नई दिल्ली, 2 दिसम्बर, 1993

का.प्रा. 41.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में एम सी पी के प्रबंधन के संसद्ध निपोजकों और उनके कर्मकारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करने है, जो केन्द्रीय सरकार को 1-12-93 को प्राप्त हुआ था।

[संख्या एल-22012/318/91-आई आर (सी-II)]

राजा लाल हेस्क अधिकारी

New Delhi, the 2nd December, 1993

S.O. 41.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 1st December, 1993

[No. L-22012/318/91-IR C-II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated the 10th day of November, 1993

Industrial Dispute No. 78 of 1991

BETWEEN

General Secretary, S.M. & F.W. Union (HMS).
P.O. Srirampur, District Adilabad (A.P.)

...Petitioner.

AND

The General Manager, M/s. S.C. Co. Ltd.,
P.O. Srirampur, District Adilabad (A.P.)

....Respondent

APPEARANCES:

Petitioner set exparte.

M/s. K. Srinavasa Murthy, Advocate—for the Respondent.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012(318)/91-IR (C. II), dated 6th December, 1991 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of M/s. Singareni Collieries Company Limited, Srirampur and their workmen to this Tribunal for adjudication:

"Whether the action of the Management of M/s. S.C. Co. Ltd., Srirampur, in denying to promote Sri F. Anandham, General Mazdoor, IK-1 Incline to the post of Helper Cat. II, after passing the test and interview is justified? If not to what relief the workman is entitled to?"

This dispute was registered as Industrial Dispute No. 78 of 1991 and notices were served on both the parties.

2. On 18th January, 1992 notice was served on the petitioner and Petitioner called absent and set ex-parte. On the other side, the Respondent also not filed its counter and contested the case. As seen from the docket sheet, neither the Petitioner nor the Respondent have filed their claim statement and counter respectively and I find that they are not interested to pursue the case in this dispute

3. Hence the reference is closed.

Typed to my dictation given under my hand and the seal of this Tribunal, this the 10th day of November, 1993.

Y. VENKATACHALAN, Industrial Tribunal-I
Appendix of Evidence.

NIL

नई दिल्ली, 2 दिसम्बर, 1993

का.प्र. 42.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, एम.सी.

सी.एल. के प्रबंधन के संबंध निवासी और उनके कर्म-
कारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में
केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पक्षपक्ष
को प्रकाशित करता है, जो केन्द्रीय सरकार की 1-12-93
को प्राप्त हुआ था।

[संख्या एल-22012/95/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 2nd December, 1993

S.O. 42.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 1st December, 1993.

[No. L-22012/95/92-IR C.II]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT:

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, the 16th day of November, 1993

Industrial Dispute No. 45 of 1992

BETWEEN

The Vice President,
Singareni Collieries Workers Union,
P.O. Coal Chemical Complex,
Nasapur (Andhra Pradesh).

... Petitioner.

AND

The General Manager,
M/s. S.C. Co. Ltd.,
P.O. Srirampur,
District Adilabad (A.P.)

.... Respondent.

APPEARANCES:

Petitioner set ex-parte.

Sri K. Srinivasa Murthy and Miss G. Sudha, Advocates—
for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/95/92-IR (C.II) dated 8th July, 1992 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the M/s. Singareni Collieries Company Limited, Srirampur and their workmen to this Tribunal for adjudication:

"Whether the action of the management of M/s. S.C. Co. Ltd., Srirampur, in denying to promote Sri Ragula Narasaiah as Surface General Mazdoor Cat. I having more acting than Sri V. Ramaiah, Sri D. Sambiah and Sri Adireddy who were promoted as Surface Pump Operators is legal and justified? If not, to what relief the workman is entitled to?"

This reference was registered as Industrial Dispute No. 45 of 1992 and notices were served on both the parties.

2. The notice dated 18th July, 1992 was served on the Petitioner under acknowledgement to appear on 22nd August, 1992. On 22nd August, 1992 the Petitioner called absent and set ex-parte. Time was granted to the Respondent to file their counter. On 3rd April, 1993 counter not filed by the Respondent for the last six months. Hence no counter for the Respondent. For enquiry it was posted from time to time. Finally, on 5th November, 1993 the docket sheet read thus:

Petitioner was set *ex parte* already. Petitioner did not file claim statement. Counter was not filed by the Respondent. Heard the Advocate for Respondent. When the matter is called the Petitioner is called absent and there is no representation on their side. For Award 16th November, 1993.

A. As seen from the above facts, it is crystal clear that neither the Petitioner nor the Respondent are interested to prosecute the case and I am of the firm opinion that there is no case to adjudicate upon it. Hence the reference may be terminated.

4. In the result, reference is terminated.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 16th day of November, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

NIL

नई दिल्ली, 2 दिसम्बर, 1993

का.आ. 43.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम सी सी एल के प्रबंधन के संबंध निवृत्तों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-93 को प्राप्त हुआ था।

[संख्या एन-22012/154/89-आई आर (सी-II)]

राजलाल, डेस्क अधिकारी

New Delhi, the 2nd December, 1993

S.O. 43.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown employers in relation in the Annexure, in the industrial dispute between the employers in relations to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 1-12-1993.

[No. I-22012/154/89-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I

Dated, 19th day of November, 1993

Industrial Dispute No. 87 of 1989

BETWEEN

The Workmen of S.C. Co. Ltd., Mandamarri Area, Adilabad Dt. (A.P) ...Petitioner

AND

The Management of S.C. Co. Ltd., Mandamarri Area, Adilabad Dist. ...Respondent

APPEARANCES :

M/s. A. K. Jayaprakash Rao, N. Goud, Ch. Laxminaravana, Advocates—for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. I-22012/154/89-IR (C-II) dated 21-11-1989 referred the following dispute under Section 10(1)(d) and (2A) 2869 GI/93—6

of the Industrial Disputes Act, 1947 between the employers in relation to the Management of M/s. Singareni Collieries Company Limited, Mandamarri Area and their workmen to this Tribunal for adjudication :

"Whether the action of the management of M/s. S.C. Co. Ltd., Mandamarri Area in referring the case of Sri P. Ankuloo, Trammer RK-3 Incline to the Age Determination Committee/Medical Board and Subsequent termination of his services is justified ? If not, to what relief the workman concerned is entitled ?"

2. The brief facts of the claim statement filed by the Petitioner Union read as follows :

It is submitted that Sri Pulika Ankulu was appointed in the company on 22-4-1950. He was working as Surface Trammer at RK-3 Incline, Ramakrishnapur Area. His wage was recorded in the Company records as 20 years as on 22-4-1950. The Management had directed the worker to the Age Determination Committee six years in advance i.e. during one year 1984 vide letter dated 17-8-1984 without informing the worker for which purpose he was being directed. When the order found any variation in his age entries in the company records and request the Management to assess his age correctly, then only the management will direct the worker for age assessment to the Age Determination Committee, which is the practice being followed in the Company. But in this case, the management had sent the worker for age assessment on its own accord without any request of the worker and without informing the worker. Normally as in the Company procedures (Circular No. P. 34/4184/IR/1087 dated 25-5-1989) worker will be served one year advance notice of retirement to facilitate the worker to use his balance leave, to raise any claim regarding variation of his age, to settle his terminal benefits, etc. After receiving one year advance notice, the concerned worker will raise his claim for any variation of age. Then the management will refer the case to the Age Determination Committee. Whereas Sri Pulipaka Ankulu was directed to the Committee six years in advance in contrary to the procedures of the company. There are no such instructions in any circular to direct the workers at the Company's interest without representation from the worker. The worker was issued the letter dated 27-5-1987 informing the worker that he will be retiring with effect from 1-6-1988. On receiving this letter, the worker applied vide his application dated 24-6-1987 requesting the Management that he still got 3 years service for retirement as per Company records. The Management further replied to worker's application vide letter dated 13-1-1988 that the worker was already directed to the Age Determination Committee vide Letter dated 17-8-1984 during the year 1984. Then only the worker came to know that he was referred during the year 1984 for this purpose. The Age particulars of Sri Pulipaka Ankulu was tallying with the entries of (1) 'B' Register, (2) Service Book (3) Identity Card, (4) Coal Mines Provident Fund and other Company records. Further there is no variation in his age entries anywhere in the various company records and all entries are tallying with each other. Moreover, the worker himself agreeing that his age mentioned in the Company records is correct and no objection from his side. It is also pointed out that there is no necessity to the Management to direct the worker six years in advance. The worker never requested the Management to refer him to the Age Determination Committee, thus he himself agreeing that the age mentioned in the company records stands good and no variation at all. Moreover without informing the worker for which purpose he was being directed, the management had directed him to the Age Determination Committee during the year 1984, which is an illegal act of the management. It is evident that the Management had not followed the Company's Proceedings in force and violated the practice. Hence termination of Sri Pulika Ankulu, Surface Trammer, RK-3 Incline, is unjustified and illegal. He was

forcibly and illegally terminated from the service. It is requested that the Hon'ble Tribunal to order the Respondent/the Management to take Sri Pulika Ankulu back and pay full back wages from the date of termination until he is taken on duty.

3. The brief facts of the counter filed by the Respondent/Management read as follows :—

It is stated in the reference whether the termination of service of the workman P. Ankulu is justified. The reference has been made on wrong assessment of facts. His service was not terminated and in the normal course he retired on attaining the age of superannuation. It is submitted the petitioner Sri Ankulu was initially appointed in the Company on 22-4-1950. It is also true that he was working as Surface Trammer at RK-3 Incline, Ramakrishnapur Area. It is not true state that his age was recorded in the Company records as 20 years as on 22-4-1950. In his service book at the age column, it was written as 20 years without mentioning as on date. Normally in the service book the age will be written as "Age 20 years as on...". But in his service book as on date is not mentioned against the age mentioned, due to the same reason he was referred for "Age Determination Committee" for age assessment. The allegation of the Petitioner that his age is recorded as 20 years as on 22-4-50 is not correct. It is incorrect to state that the Petitioner was directed to the age determination committee six years in advance. He was referred for Age Determination Committee on 9-5-85 and his age was also assessed by the Committee as 57 years as on 9-5-85. In this case the petitioner was already directed to the Age Determination Committee as his age mentioned in the service book was not certified by the Medical Officer. The petitioner was served one year notice of superannuation to utilise his balance leave and to settle his terminal benefits. It is correct to say that the petitioner was issued one year advance notice of termination of employment due to superannuation on 27-5-87 informing the workman that he will be retiring with effect from 1-6-1988. As a matter of fact the petitioner was explained the age assessed by Committee through Sr. Personnel Officer soon after the Committee assessed the age and the party had also put his thumb impression in the presence of committee in token of his acceptance. Actually the age entered in the service book was not certified by Medical Officer and due to the same reason he was referred for age determination committee. As he was already directed to Age Determination Committee for age assessment and his age was assessed as 57 years as on 9-5-85 he need not be directed to the Age assessment again and the demand of the Union is quite untenable. It is not termination but it is termination of employment due to superannuation. In view of what has been stated above the petitioner cannot be directed for Age assessment again as he was already directed for age determination committee and his age was also assessed as 57 years as on 9-5-85 and this Hon'ble Tribunal may be pleased to dismiss the claim statement.

4. The point for adjudication is whether the action of the Respondent in referring the case of Sri P. Ankulu, Trammer RK-3 Incline to the Age Determination Committee/Medical Board and subsequent termination of his services is justified or not ?

5. WW-1 and WW-2 were examined on behalf of the Petitioner and marked Exs. W-1 to W-8. MW-1 was examined on behalf of the Management and marked Exs. M-1 to M-8.

6. WW-1 is Pulipaka Ankulu. He deposed in brief that he is the concerned workman in this case. He joined the service of Respondent on 21-4-1950. His age was 20 years at the time of his joining the service in the Respondent. He informed his age as 20 years to the Respondent at the time of his joining the service in the company, and the same age was entered into the records of the Respondent. He is

an illiterate and he is a marksman. He did not join in any school and did not study any class in any school. The Respondent did not ask me at any time during the period of my service to produce any evidence in respect of his age. In 1984 he was informed by the management of the Respondent to appear before the Medical Officer of the Respondent for testing his eye sight, but he was not given any memo to that effect in writing. Accordingly he appeared before the medical officer of the Respondent and he examined his eye sight and informed him that his eye sight was alright and that he can do the service, without any objection. On receiving Ex. W-1, he submitted a representation dated 24-6-1987 to the Management of the Respondent disputing his date of retirement from service on 1-6-1988. The office copy of the said representation submitted to him is Ex. W-2. He was never directed by the Management of the Respondent to "age determination committee" and his age was never certified as 57 years as on 9-5-1985 by the Committee and that the said thing was never explained to him by the Senior Personnel Officer of Ramakrishnapuram Division-I, in presence of Welfare Officer, RK-3 at the Divisional Office and he has never agreed for it as stated in Ex. W-3, in Ex. W-3 his request in Ex. W-2 representation was rejected by the Management. He was retired from service w.e.f. 1-6-1988 as stated in Ex. W-1. He made a representation to the Workers' Union to take up this matter with the management with regard to the premature retirement, and the Union submitted a representation dated 28-2-1989 to the Management of the Respondent with regard to his case. In Exs. W-5 and W-6 his age was noted as 20 years as on 22-4-1950, on which date he joined the service of the Respondent. As per his age in Exs. W-5 and W-6 and other records of the Respondent he is to be retired from service 1-5-1990. He prays this Court to pass an award direct in the respondent to take him back into service, and continue him in service till 1-5-1990. He submits that the management of the Respondent may be directed to pay him the entire wages for the period from 1-6-1965 to 1-5-1990.

7. WW-2 is K. Rajaiah. He deposed that he is the General Secretary of Singareni Collieries Employees Council, since 30 years. He knows WW-1 the concerned workman in this case. He is member of their Union. The Respondent has to serve a notice one year prior to the date of his superannuation informing him that he will be retired on a particular date as per the records, so that the worker can apply to the management if there are any discrepancies in the record, for their rectification in respect of his age. The more important register with regard to the age of a worker is 'B' Register and the other record is C.M.P.F. nomination form and another is identification card issued by the Respondent. Since there is no variation with regard to age, there is no need for him to make any application to the Management with regard to the rectification of his age. Exs. W-9 and W-10 are the circulars issued by the Respondent with regard to the procedure for age of retirement of the employee. There is no variation of the date of birth given by the workman to the management.

8. MW 1 is M. Subba Rao. He deposed in brief that he is working as Personnel Manager in the Respondent since last 30 years. At the time of appointment of the petitioner his age was written as 20 years without mentioning as on date. If the employee has not submitted his date of birth certificate, at the time of appointment he will be referred to the Medical Officer for Assessment of age. The petitioner was sent to the age determination committee on 9-5-1985 the age determination committee has assessed the age of the petitioner as 57 years as on 9-5-1985. He had retired from the service of the company on 1-6-1988 on the basis of the assessment made by the Age Determination Committee on 9-5-1985. The previous settlements prior to the implementation instructions of the J.B.C.C.I. have been over-ridden. The workman is not entitled to work upto 1990 nor for wages till 1990 as he has not worked in the company after the date of retirement i.e. 1-6-1988. The Management has offered the terminal benefits but he did not choose to receive them.

9. In this dispute the contention of the workmen is that he was appointed in the company on 22-4-1950. His age was recorded in the Company records as 20 years as on 22-4-1950. The Respondent Management had directed the petitioner to the Age Determination Committee six years in advance i.e. during the year 1984 vide letter No. RK-3/84/29/1708 dated 17-8-1984 without informing the Petitioner for which purpose he was being directed. Finally the Petitioner was issued with

the letter No. RK-3/87/56/1392, dated 27-5-1987 informing the worker that he will be retiring with effect from 1-6-1988. On receiving this letter, the worker applied vide his application dated 24-6-1987 requesting the Management that he still got 3 years service for retirement as per Company records.

10. On the other hand the contention of the Respondent-Management that it is not true to state that his age was recorded in the Company Records as 20 years as on 22-4-1950 that in his service book at the age column, it was written as 20 years without mentioning as on date. But in his service book as on date is not mentioned against the age mentioned due to the same reason he was referred for "Age Determination Committee" for age assessment. The allegation of the petitioner that his age is recorded as 20 years as on 22-4-1950 is not correct. He was referred for Age Determination Committee on 9-5-85 and his age was also assessed by the Committee as 57 years as on 9-5-85.

11. The evidence adduced by WW-1 the concerned workman in this dispute is that he was the concerned workman in this. He joined in the service of Respondent on 21-4-1950. His age was 20 years at the time of his joining the service. He informed his age as 20 years to the Respondent at the time of his joining the service in the Company and the same age was entered in the records of the Respondent. He is an illiterate and a marksman. He did not join in any school and did not study in any class in any school. The Management of the Respondent sent him for medical examination at the time of his joining the service and on the certificate issued by the Medical Officer of the Respondent about his fitness for duty he was admitted to join the duty. He further stated that the Respondent did not ask him at any time during the period of his service to produce any evidence in respect of his age. It is seen that normally as per the Company's procedures (Circular No. P. 34/4184/IR/1037, dated 25-5-1989) worker will be served one year advance notice of retirement to facilitate the worker to use his balance leave, to raise any claim regarding variation of his age to settle his terminal benefits etc. After receiving one year advance notice, the concerned worker will raise his claim for any variation of age. Then the Management will refer the case to the Age Determination Committee. Whereas in this case the Management has not followed the procedure mentioned above instead the Petitioner-workman was directed to the Committee six years in advance. Where was the necessity for the Respondent-Management to send the Petitioner to the Committee six years in advance. In fact that there are no such instructions in any Circular to direct the worker at the Company's interest without representation from the worker. Moreover the age particulars of the Petitioner-workman was tallying with the entries of 1) 'B' Register, Service Book, Identity Card, Coal Mines Provident Fund and other Company records. I do not find any variation in his age entries any where in the various Company records and as seen all entries are tallying with each other. There was no objection from the Petitioner's side that his age mentioned in the Company's record is right. As seen from the evidence of the Petitioner that in 1984 he was informed by the Management to appear before the Medical Officer for testing his eye sight but he was not given any Memo to that effect in writing. As a matter of fact he appeared before the Medical Officer and he examined his eye sight and informed the Petitioner that his eye sight was alright and that he can do the service without any objection. It is pertinent to note that before the year 1960 there was no Age Retirement Rules in existence. Moreover it was the duty of the concerned Clerk to note down the exact date and year of the birth of the Petitioner in the records before joining him. It was fault of the concerned Clerk of the Respondent-Company to note down the date of birth, year of birth in the Company's record. What can an illiterate workman do when he does not know the exact date of birth. Moreover he has not joined in any school so as to produce document the exact date of birth. As seen from the evidence of WW-1 in cross examination, the Petitioner was sent to the Medical Officer by the Management for the purpose of testing his eye sight and not for determination of his age as suggested. The Petitioner denied the suggestion that his age was determined by the Medical Board on 9-5-1985 and that it determined his age as 57 years as 9-5-1985, and that a copy of the Medical Report was given to him and that he acknowledged the receipt of the said medical report. So taking into consideration of all the facts and circumstances I am of the firm opinion that the Respondent-Management had not followed the Company's procedure in force and violated the practice. The termination of the Petitioner-workman is illegal and unjustified.

12. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Mandamarri Area in referring the case of Sri P. Ankulu, Trammer RK-3 Incline to the Age Determination Committee/Medical Board and subsequent termination of his services is unjustified. The workman is entitled to be reinstated into service and pay full back wages from the date of termination until he is taken on duty.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 19th day of November, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on behalf
of the Petitioner-Workman :

WW-1 Pulipaka Ankulu

WW-2—K. Rajaiah.

Witnesses Examined on behalf
of the Respondent-Management :

MW-1—M. Subba Rao.

Documents marked for the Petitioner-Workman

- Ex. W-1/27-5-87—Letter issued by the Colliery Manager Ravindra Khani No 3, S.C. Co. Ltd., to Sri Pulipaka Ankulu, Surface Trammer with regard to advance notice of termination of employment due to superannuation.
- Ex. W-2/24-6-87—Copy of the Representation submitted by Pulipaka Ankulu to the Colliery Manager, RK-3, Ramakrishnapur.
- Ex. W-3/13-1-88—Letter issued by the S.O. M., RK-3, S.C. Co. Ltd., to Sri Pulipaka Ankulu.
- Ex. W-4/28-2-89—Copy of the views of the General Secretary, S.C.E. Council, regard the forcible termination of Sri Pulipaka Ankulu, Surface Trammer, RK-3 Incline.
- Ex. W-5 and W-6—Service Record and Identity Card (Xerox copy).
- Ex. W-7/1-8-88—Xerox copy of the Circular by the Director (P), S.C. Co. Ltd., with regard to procedure for determination/verification of age of the employee and for resolution of disputed cases of service records.
- Ex. W-8/25-5-89—Xerox copy of the Circular issued by the Director (P, A and W), S.C. Co. Ltd., with regard to Age retirement notice.
- Ex. W-9/6-7-81 and W-10/5-2-87—Circulars with regard to age determination.

Documents marked for the Respondent/Management

- Ex. M-1/9-5-85—Copy of the review/Determination of age in respect of Sri Pulipaka Ankulu, Surface Trammer, RK-3 Incline RK Division-I by the Age determination committee.
- Ex. M-2—Identity of service card of Sri P. Ankulu.
- Ex. M-3/29-3-91—Undertaking given by Sri P. Ankulu.
- Ex. M-4/21-3-90—Xerox copy of the settlement dated 21-3-90.
- Ex. M-5/14-7-90—Xerox copy of the settlement dated 14-7-90.
- Ex. M-6/30-4-88—Letter issued to Sri P. Ankulu by S.O.M.R. -3 Incline Reg. Advance Notice of Termination of employment due to superannuation.
- Ex. M-7/3-6-91—Letter issued to P. Ankulu by Colliery Manager, RK-III intimating the party to attend Apex Medical Board on 6-6-91.
- Ex. M-8/6-6-91—Letter addressed to G.M. Personnel Kothagudem by G.M. R.K.P. intimating that Sri P. Ankulu has been informed to attend before in Apex Medical Board but he was refused-Reg.

नई दिल्ली, 2 दिसम्बर, 1993

का. ग्रा. 44 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल. के प्रबन्धत्व के संबद्ध नियोजकों और उनके कर्मकारी के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-93 को प्राप्त हुआ था।

[संख्या एल-22012/155/89 आई ग्रा (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 2nd December, 1993

S.O. 44.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 1-12-93.

[No. L-22012/155/89-IR (C-II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I
Dated, 19th day of November, 1993

Industrial Dispute No. 85 of 1989

BETWEEN

The Workmen of the Singareni Collieries Company Limited, Bellampalli...Petitioner.

AND

The General Manager, Singareni Collieries Company Limited, Bellampalli....Respondent.

APPEARANCES :

M/s. G. Vidyasagar, N. Vinesh Raj and P. Sri Girikrishna, Advocates—for the Petitioner

M/s. K. Srinivas Murthy, G. Sudha, V. Ranga Reddy and Ch. Praveena Choudary, Advocates—for the Respondent

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012(155)/89-IR(C-II) dated 20-11-1989 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of M/s. S.C. Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of M/s. S.C. Co. Ltd., Bellampalli, District Adilabad (AP) in terminating the services of Sri G. Narasiah, Trammer, Shanti Khani w.e.f. 1-1-1989 is justified? If not, to what relief the workman concerned is entitled?"

This reference was registered as Industrial Dispute No. 85 of 1989 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows:

It is submitted that Sri G. Narasiah Trammer Shanti Khani was appointed on 16-12-1957 at the time of his appointment his age was 21 years. In those days there was no Age retirement rules in the Company and there was no any interest to the workers or the Management regarding the age. Therefore, the concerned clerk prepared the service card and gave the date as per his will and pleasure. On 25-8-58 the authorities called him and prepared his service record book and taken his 5 fingers impressions in which his age was recorded as 22 years as on 25-8-58. In Bonus card his age was also stated as 22 years. In those days there was no age restriction for appointment. Therefore neither the management nor the workmen gave importance to the age. The Age retirement rules came into force in the year 1960. But it was not implemented until 1965. In Rule 3(iv) and (vi) it is stated that "In case of employee already in service on the date of issue of this circular their age should be determined in accordance with the provisions of this Rule. The work should be completed within a period of 12 months from the date of issue of this circular and in case of illiterate employee the declared date of his birth shall be recorded by a senior employee and witnesses by another employee (copy enclosed Age Retirement Rules Ext. I). It was not followed in this case. But the management had given him a termination (Age Superannuation) dated 13-7-1987 illegally. The workers has immediately submitted an application to the management contesting that his age was 52 years but not 60 years (copy enclosed Ex. 1A). The failure conciliation proceedings dated 7-3-1989 the management stated that Sri Gaddam Narasiah was appointed on 15-12-1957 and at that time of his appointment his age was recorded as in identity and service card as 29 years as on 13-12-1987. But the management could not say that Sri Narasiah was sent to the Medical Board for his age assessment nor whether the Medical Board certified his age or followed the formalities of the Age Retirement Rule 3 (iv and vi). Not only that on what basis his age was recorded? This proves that the age assessment of Sri Narasiah was not done in his total service. Sri Narasiah was given Bonus card on 15-2-1958 and in it the age was shown as 22 years. This proves that there is variation. Without honouring the above Retirement Rules, Memorandum of Settlements and C.P.O's. Circular the management's action in case of Sri Gaddam Narasiah, Trammer, Shanti Khani termination is illegal and injustice. It is prayed that the Hon'ble Tribunal may please be ordered to direct the respondent the management of the Singareni Collieries Company Limited, Bellampalli to take Sri Gaddam Narasiah on duty immediately and pay the back wages from the date of his termination until he is taken on duty.

3. The brief facts of the counter filed by the Respondent reads as follows:—It is submitted that Sri G. Narasiah had initially joined as Temporary Filler on 16-12-1957. The allegation that at the time of his appointment, his age was 21 years, is not correct. The allegation that in those days there were no Age Retirement Rules in the Company and that there was no interest either for the workman or to the management regarding age which resulted the concerned clerk had given age as per his will and pleasure is totally false. There is a practice to prepare the service record and the petitioner even before his appointment his age was assessed and the said age was agreed by him. Accordingly the service record is indicating his age as 29 years as on 13-12-1957. Afterwards appointment was given to him on 16-12-1957. It may be noticed the Bonus Card is not an authenticated record for the purpose of age determination. The allegation that in those days there was no restriction of age for appointment is not correct. In the year 1959 Unions raised demand to frame the age retirement rules and accordingly age retirement rules were framed. According to the age retirement rules the workmen have to declare their age either by producing school or college certificates. It is also laid down in those rules that where documentary evidence of age or date of birth is not produced at the time of first appointment, the candidate shall be required to produce satisfactory evidence of his date of birth to the Chief Surgeon and Medical Officer at the time of medical examination who shall assess the age and record it. It may be noticed in the case of illiterate employees the declared date of birth is recorded by a senior employee and another employee is signing as witness. Immediately after 1959 settlement was entered all

the employees who were on rolls were called upon once again to ascertain their ages and wherever there is discrepancy that has been rectified. It is not a case of termination, but it is a case of retirement after attaining the superannuation. No representation has been made by the workman in dispute with regard to the age. The workman in dispute has neither produced any school leaving certificate nor a certificate from the Registrar of Births and Deaths that he was born in a particular year. It is true after 1965 settlement once again the Unions started agitation on the alleged ground that they left out some names of the workmen whose ages have to be ascertained. If any employee contests with regard to his age, he should be sent to the Medical Officer for assessment of his age. It may be noticed that this petitioner has not contested about his age either in the year 1950/60, in 1965, in 1969 or in the year 1983. The allegation that the management has simply terminated the workman in dispute from service with their own decision stating that he had completed 60 years is not correct. It is submitted that this is not a case of termination, but this is a case of retirement on attaining superannuation age. When there was no discrepancy in his age as per the service record and after issuing one year advance notice he was retired. The workman while he was in service or at the time of retirement from service did not dispute his age entered in the records. The management has scrupulously followed all the settlements and it is the Unions including the petitioner union listed the names of workmen who are contesting about their age and their ages have been assessed as per the existing rules prevailing at the relevant periods. The petitioner union is estopped now to raise any dispute of age, i.e., dispute in respect of the workman in dispute after his retirement. If an employee is retired on attaining the age of superannuation, it cannot be coloured as termination. The allegation that the management to rectify their faults have taken thumb impressions deceitfully and the proforma was attached to the service book is not correct it may be noticed for all the employees, the service book is one and the same. With regard to various particulars and also with regard to the declaration the management has given a proforma and the five fingers thumb impressions were taken which is a part of the service record. As per the National Coal Wage Agreements and also several settlements from 1965 to 1988 the procedure adopted with regard to age assessment was known by all the Unions and its Members. Now at this stage only for the purpose of raising the present dispute the petitioner union cannot make untenable allegations that the procedure adopted by the management is not correct. The allegation that the management deceitfully took the thumb impressions and it proves the age of the workman in dispute was not assessed by the Medical Officer is not correct. As stated earlier the management has honoured all the settlements and the allegation that the Management has not honoured the settlements is not correct. The workman in dispute accepted his superannuation and also submitted claim forms for terminal benefits and all the claim forms have been sent to the concerned. He received Provident Fund amount and other terminal benefits. So far as the Gratuity is concerned it was sent to Kothagudem Office and he is supposed to receive the same. In fact there is no dispute between the workman and the management. It may be noticed under the Mines Act no employee should be allowed to work underground unless he attain the age of 21 years and as such the allegation that there is no restriction of age is not correct. There are no merits in the petitioner's case. As such the petitioner is not entitled to claim reinstatement or backwages as prayed for. In view of the above mentioned facts, this Hon'ble Tribunal may be pleased to dismiss the claim petition and confirm the action taken by the management and pass necessary orders in the circumstances of the case.

4. The point for adjudication is whether the action of the Management in terminating the services of Sri G. Narasiah, Trammer, Shanti Khani w.e.f 1-1-1989 is justified or not?

5. W.W1 and W.W2 were examined on behalf of the Petitioner-workman and marked Exs. W1 to W11. On the other hand M.W1 was examined on behalf of the Respondent-Management and marked Exs. M1 to M4.

6. W.W1 is Gaddam Narsiah. He deposed that he is the concerned workman in this I.D. He joined the service in the Respondent in December, 1957 as Coal Filler. By the time he joined the service his age was 21 years. The Respondent gave him identification card in 1958 and the said Identification Card is Ex. W1. His age was noted as 22 years in Ex. W1 identification card. At the time of issuing Ex. W1 identification card, the impressions of the fingers of his both hands were obtained by the Management of the Respondent on a separate form. The Respondent issued Ex. W2 notice dt. 13-2-1987 informing him that he will be attaining the age of superannuation i.e. 60 years on 12-12-1988 and that he will be retired from the services of the company w.e.f. 1-1-1989. He reported the matter to the Workers' Union and it took his cause. He prays the Court to pass an award directing the Respondent to reinstate him into service and to pay him the back wages. He was never sent to the Medical Board by the Respondent for examination. He was removed from service of the Respondent w.e.f. 1-1-1989. The Respondent never asked him to produce any document of proof of his age, and he joined the service in 1957 till the date of Ex. W2. He was never referred to the Medical Board of the Respondent or to the medical officer of the Respondent and his age was never determined by any medical authority at the instance of the Respondent.

7. W.W2 is S. Magaiah Reddy. He deposed that he is the President of A.P. Collieries Mazdoor Sangh (I.N.T.U.C.) i.e. the Petitioner Union. Sri Gaddam Narsiah Trammer, Shanti Khani is the member of their Union. The said Narsiah was appointed as Trammer on 16-2-1957 and he has been working as Trammer in the Respondent ever since then. At the time of his appointment as Trammer, the age of Gaddam Narsiah was 22 years. By the date of the appointment of Gaddam Narsiah as Trammer in 1957 there were no age retirement rules in existence in the Respondent. At the time of his appointment as Trammer, as was not the President of Petitioner Union. He was the President of Workers' Union in the year 1957 also. The age of retirement rules were introduced by the Respondent in the year 1960 for the first time and they were implemented from the year 1965. The true copy of the said age retirement rules is Ex. W4. After 1965, the management of the Respondent began to retire the workmen who have completed 60 years of age. On that the workers' Union raised a dispute and a settlement was entered into between the management and the union to the effect that the workmen who have completed the age of 60 years. As per the records of the Respondent should be sent for medical examination for assessment of their ages, to the Company's Medical Officer of the Medical Board. As per the settlement in Ex. W5, the workers though completed 60 years as per the records, should be sent for medical examination for determination of their ages before retiring them from service. The Petitioner Union made a representation dt. 2-8-1988 to correct the date of birth of the concerned workman Gaddam Narsiah in this case.

8. M.W1 is C. Gopala Rao. He deposed that he is Personnel Officer in Singareni Collieries. He knows the facts of the case. He knows Sri G. Narasiah, he was appointed on 16-12-1957 and retired on 31-12-1988. Ex. M1 is the service book of the employee. All the personal particulars in the service book were given by the workman. Along with those particulars he also has given his age. The workman in dispute has given his age as 29 years as on 13-12-1957. The service record was prepared on 28-1-1958. At the time of preparing the service record the thumb impression of five fingers were taken. The father's name as well as his age were also given by the employee. At no point of time the workman raised in dispute with regard to the age and date of birth mentioned in the service record. At the end of his service he raised the dispute. The management calculated superannuation age basing upon the age recorded in Ex. M1. Ex. M2 is the xerox copy of extract of 'B' Register at Serial No. 2 in Column No. 2 pertains to workman in dispute. There is no discrepancy with regard to the age mentioned in 'B' Register i.e. Ex. M2 and Service Register Ex. M1. G. Narasiah rendered 31 years of service. Their superannuation notice is only an advance. Whenever there are age disputes, they are referred to age determination committee as per N.C.W.A. Prior

to that the management is referring the settlement. Ex. M2 'B' register is a statutory register maintained under Mines Act. In the Company the identity card and bonus and other records are not taken into account for assessment of the age. Sri G. Narasiah was retired on 31-12-1988 and Sri G. Narasiah received all his terminal benefits without any protest. The Workman's contention that he is eligible for referring this case to age determination committee is not correct as there was no dispute at all. No certificate was submitted by G. Narasiah from the Registrar of births and deaths. Even now the workman has not given what would his age according to him for service as such he is not entitled for the reliefs prayed.

9. In this dispute the contention of the workman is that the Management did not honour the Clause No. 3 (v & vi) of their own Age Retirement Rules but honoured Clause 4 only, Memorandum of Settlement and C.P.O.'s Circular the Management's action in case of Sri Gaddam Narsiah, Trammer, termination is illegal and injustice. It is seen that Sri G. Gaddam Narsiah, Trammer, Shanti Khani was appointed on 16-12-1957, at that time his age was 21 years. In those days there was no Age retirement rules in the Company and there was no any interest to the worker or to the Management regarding the age restriction. The clerks used to prepare the service card and gave the date as per his will and fancy. On 25-8-1958 the authorities called G. Narasiah and prepared his service record book and taken his five fingers impressions in which his age was recorded as 22 years as on 25-8-1958. Subsequently the Age Retirement Rules came into force in the year 1960. In Rule 3(iv & vi) read as follows —

“(iv) In case of employees already in service is unable to give his date of birth of issue of this circular their ages should be determined in accordance with the provisions of this rule. The work should be completed within a period of 12 months from the date of issue of this circular.

(v)

(vi) In the case of literate employee the date of birth shall be entered in the record of service in the employees own hand writing. In the case of illiterate employee the declared date of birth shall be recorded by a senior employee and witnesses by another employee.”

Sri Gaddam Narsiah being an illiterate. The management has not followed the above rule 3(iv & vi) of the Age Retirement Rules. When the Management gave Sri G. Narasiah termination (Age Superannuation) dt. 13-7-1987 illegally. Immediately the Petitioner-workman submitted an application to the Management saying that his age was 52 years but not 60 years. The management did not take action to the application made by the Petitioner-workman. Hence this dispute. When the matter was pending in Conciliation the Management terminated the petitioner illegally and forceably on 1-1-1989. This Tribunal has to see on what basis the age of Sri Gaddam Narsiah was recorded. As mentioned earlier that during those days there was no age retirement rules in the Company. Only during the year 1960 the Age Retirement Rules came into force. As already seen Sri Gaddam Narsiah was appointed on 16-12-1957 and at that time his age was 21 years. This is evident from Ex. W1. Ex. M1 the Service Book Record was prepared on 28-1-1958 by taking his five fingers print. When the Age Retirement Rules came into force during 1960. As per Rule 2(iv & vi) in case of illiterate employees the declared date of his birth shall be recorded by a senior employee and witnessed by another employee. This Rule was not followed by the Management but instead given the petitioner a termination dated 13-7-1987 illegally. The Union raised a dispute during 1965 stating that Company's Age record was not correct. Over this dispute the management and the Union arrived to a decision and entered into a Memorandum of Settlement on 26-2-1965. In this agreement the Management to send the worker age assessment to the Medical Officer before the termination of his service (Superannuation). The Management did not follow the above agreement. Even in the second Memorandum of Settlement for age dispute dt. 17-9-1969 and C.P.O.'s circular dt. 26-10-1983 that any employee contesting his age record is wrong, the Management has to send him to the

Medical Officer for his age assessment. Even to this the Management has not followed the above settlement. The Management stated in the conciliation proceedings dated 7-3-1989 that Sri Gaddam Narsiah was appointed on 15-12-1957 and at that time of his appointment his age was recorded as in identity and service card as 29 years as on 13-12-1987 but the Management could not say that Sri Gaddam Narsiah was sent to the Medical Board for his age assessment nor whether the Medical Board certified his age or followed the formalities of the Age Retirement Rules 3(iv & vi). This goes to show that the Age assessment of Sri G. Narsiah was not done during the total service of the petitioner workman. Thus it is evident that the Memorandum of Settlement dated 26-2-1965 wherein it is agreed that in all cases where the workers are asked to retire on attaining the age of 60 years on the basis of existing entries in the service record they should be referred to the Company's Medical Officer for his opinion regarding the correctness of the age. The opinion expressed by the Company's Medical Officer should be final and binding on all parties. In case where the Company's Medical Officer declared that the worker to be less than 60 years of age such worker should be permitted to continue to work till he attains the age of 60 years. It is clearly proved that the age record of the Company and the workers was not correct. So I find that the Management has not honoured the Age Retirement Rules and Memorandum of Settlement and thus deprived the workman in terminating his services illegally.

10. In the result, the action of the Management of M/s. Sirgarent Collieries Company Limited, Bellampalli, Dist. Adilabad (A.P.) in terminating the services of Sri Narasiah, Trammer, Shanti Khani w.e.f. 1-1-1989 is unjustified. The workman is entitled to be reinstated in service with full back wages from the date of his termination.

Award passed accordingly.

Typed to my dictation given under my hand and the seal of this Tribunal, this the 19th day of November, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined on behalf of the Petitioner-Workman :

Witnesses Examined on behalf of the Respondent Management :

- W.W1 Gaddam Narasiah
- W.W2.—S. Nagaiah Reddy
- M.W1 G. Gopal Rao.

Documents marked for the Petitioner-Workman :

- Ex. W1.—Identity Card of Sri G. Narasiah.
- Ex. W1/A.—Extract Portion of Ex. W1.
- Ex. W2 13-2-87.—Notice of termination issued by the Manager, Shanti Khani, M/s. S.C. Co. Ltd., to Shri G. Narasiah.
- Ex. W3 17-2-87.—Copy of the application dt. 17-2-87 submitted by G. Narasiah to the Colliery Manager, M/s. S.C. Co. Ltd., Shanti Khani.
- Ex. W4.—True Copy of the Age Retirement Rules.
- Ex. W5 26-2-85.—True Copy of the Memorandum of Settlement arrived at during conciliation Proceedings held by the R.L.C. (C), Hyderabad under Section 12 of the I.D. Act between the Workman of S.C. Co. Ltd., Bellampalli, represented by the Tandur Coal Mines Labour Union and the Management of S.C. Co. Ltd.
- Ex. W6 17-9-69.—Photostat copy of the Memorandum of settlement arrived between the Workmen and the Management of S.C. Co. Ltd., Kothagudem.
- Ex. W7 26-10-83.—True Copy of the circular issued by the Dy. C.P.M. Bellampalli.
- Ex. W8 2-8-88.—True Copy of the letter addressed by Vice President to the G.M., S.C. Co. Ltd., Bellampalli with regard to age rectification.

Ex. W9 4-12-88.—Copy of the letter addressed by S. Swatantra Reddy, Vice President to the Asst. Labour Commissioner (C), Mancherial with regard to illegal and forcible termination notice of Sri G. Narasaiah, Trammer.

Ex. W10 7-3-89.—True Copy of the Minutes of Conciliation Proceedings.

Ex. W11 21-3-89.—True Copy of the Failure of conciliation report.
Document marked for the Management

Ex. M1.—Service Record.

M1A.—Declaration was taken on M1 Service Record.

M1B.—Age column.

Ex. M2.—Extract Xerox Copy of B Register.

Ex. M3.—Xerox copy of the settlement

Ex. M4.—Xerox copy of the settlement

नई दिल्ली, 2 दिसम्बर, 1993

का. आ. 44:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-93 को प्राप्त हुआ था।

[संख्या एल—21011/28/87-डी-III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 2nd December, 1993

S.O. 45.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 1-12-93.

[No. L-21011/28/87-D.III(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD.

PRESENT :

Sri Y. Venkatachalam, M.A., B.L.,
Industrial Tribunal-I.

Dated : 10th day of November, 1993

INDUSTRIAL DISPUTE NO. 17 OF 1988

BETWEEN :

The Workmen of S.C.Co. Ltd.,
P.O. Bellampalli,
Adilabad (A.P.)

.. Petitioner.

AND

The Management of M/s. S.C.Co. Ltd.,
P.O. Bellampalli,
Adilabad Dist. (A.P.)

.. Respondent.

APPEARANCES :

Sri B. Gangaram, Representative for Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-21011/28/87-D.III(B) dated 28-1-1988 referred the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of M/s. Singareni Collieries Company Limited, and their Workmen to this Tribunal for adjudication.

"Whether after having declared lock-out in the second shift on 1-9-86 in their Goleti No. 1 Incline, the action of the Management of M/s. Singareni Collieries Co. Ltd., in allowing muster to a section of workmen numbering 76 and paying them their wages and denying the said benefit to other 149 workers who were also deployed to work in the same shift is fair and justifiable. If not, to what relief the said 149 workmen are entitled?"

This reference was registered as Industrial Dispute No. 17 of 1988 and notices were served on the both parties.

2. The brief facts of the claim statement filed by the Singareni Collieries Workers' Union read as follows :—The contention of the Management that illegal strike was commenced by all mining sirdars and shot firers from 2nd shift of 1-9-1986, the Management is forced to declare lockout, under sub-section 3 of Section 24 of the Industrial Disputes Act, 1947 during the 2nd shift of 1-9-1986, is not correct. As a matter of fact there was no strike of all mining staff but only a few persons were absent and some overmen and shot firers ('C' Grade) were present, hence normally if some of the Mining Sirdars or Shot Firers are absent, others from the previous shift are engaged on over time basis but in the 2nd shift of 1-9-1986 the Management did not follow this normal procedure and adopted several illegal measures. Under the definition of mining staff, overmen, mining sirdars and shot firers only come and this whole section of mining staff was not on strike in 2nd shift of 1-9-1986. The management stated that 2 Overmen and one shot firer (C. Gr.) have attended duty. In these circumstances there was not need of declaring lockout. since the Mine can work with 2 overmen one C grade shot firer and Under Manager, safety officer and Colliery Manager but the Management un-necessarily refused to allow the 149 workers on duty and illegally lock-out them. In the past, some decade back, there was a strike of all shot firers for a period of 56 days but all the mines have work normally. Hence in the presence of 2 overmens one shot firer, one under Manager, one Safety Officer and one Colliery Manager, the Mine could have worked normally. The contention of the management that "One section of employees did not go down the mine and stayed on illegal strike, we were forced to declare lock out under the sub-section 3 of Section 24 of the I.D. Act 1947 during 2nd shift of 1-9-1986 is far from the truth, since the whole section of the Mining staff was not in strike.

(A) As a matter of fact, the management did not put lockout notice as per the provisions of the I.D. Act, 1947 but only intimation notice was put. (B) As per I.D. Central Rules No. 72, the notice of lock out be given by an employer carrying on a public utility service shall be in Form M. (The notice shall be displayed conspicuously by the employer on a notice board on the main entrance to the establishment and in the managers office, provided that where a registered trade union exists, a copy of the notice shall also be served on the Secretary of the Union). The Management failed to put notice of lockout in the prescribed form M but only put an intimation. Thus the Management failed to comply with the provisions of Law. The Management did not send a copy of the notice to the Secretary of the Union.

(A) For the above, it is clear that the Mine was kept open and management allowed (76) workers on duty and disallowed (149) workers on duty in the 2nd shift of 1-9-1986. Therefore it is clear from all the above said, that the management had declared illegal lockout in respect of 149 workers in the 2nd shift of 1-9-1986. Among the 76 workers, who were allowed on duty, all categories of workers i.e., daily rated, piece rated and monthly rated workers are there and among the 149 workers who were illegally locked out, all sections of workers are there. (C) General practice is that if mining staff goes on strike, all workers except essential staff is declared lockout. If any other section of daily rated or piece rated workers go on strike, all other sections of workers are declared illegal lockout. From the above said, it is crystal clear that the management had illegally locked-out 149 workers in the 2nd shift of 1-9-1986 hence the demand of the workmen that all the 149 workers who are locked out in the 2nd shift of 1-9-1986 should be paid full wages, is quite justified.

3. The brief facts of the counter filed by the Respondent read as follows :—Without prejudice to the rights of this Respondent it is submitted all the Union leaders agreed to donate one day's wage for food relief fund. Accordingly after giving clear intimation by the management, the management deducted one day wage of all the workmen of the Company including the workmen in dispute. The workmen in dispute are fully aware of this fact and they also agreed for deduction and thus deduction was made and entire amount collected by the respondent was donated to State Government of Andhra Pradesh. The Mining Sirdars Association also agreed for the deduction and accordingly education was affected. The Petitioners are fully aware of these material facts. Though the petitioners are fully aware that the Respondent was declared as public utility service and no strike can be made but on 1-9-86 Mining Sirdars and Shot Firers have chosen to struck the work in the 2nd shift. The Mining Sardars and Shot Firers made demand immediately for refund of one day's wage deducted in August, 1988 towards relief fund. No notice have been issued either by the workmen in dispute or by the Petitioner Union with regard to struck of the work. The Petitioner Union is searching for one reason or other to go on strike, thus they have struck work on 1-9-1986. It may be noticed Mining Sirdars and Shot Firers are essential staff under the Mines Act. Several Coal fillers, badli

workers and general mazdoors and other staff worked as per their instructions. If Mining Sirdars and Shot Firers struck work automatically for coal fillers, coal cutters and other staff attached to them will not have any work. Under the circumstances though other members have gone to work because of employees in the second shift on 1-9-86 stayed out of the Mine, management was constrained to declare lockout under Sec. 24(3) of the I.D. Act from 2nd shift of 1-9-86. The lockout is legal and justified as petitioner union has chosen to do illegal strike. It is further submitted that for one shift of the said Mine require 2 Overmen, 7 Mining Sirdars and 7 Shot Firers but only 2 Overmen and 1 Mining Sirdar had come forward to work that was the reason mining operations could not be done on 1-9-86 in 2nd shift. Keeping in view of the Mines safety management was left with no other alternative but to lockout. It is submitted second shift in the Mine starts at 3.30 and it may be noticed having come to the Mine and some workmen having booked musters have not chosen to go down the Mine and struck the work. If abruptly workers struck the work it is practically difficult for the Management to make arrangements for the Shot Firers and Mining Sirdars and other Mining Staff. It is submitted Mining Sirdars and Shot Firers belong to the same association and it is normal practice for these workmen if one of the category workers struck the work automatically all of them struck the work. It is true that the Mines Act has defined mining staff and essential services. Overmen, Mining Sirdars and Shot Firers come within the essential staff as per the Mines Act & Regulations. In compliance of the statutory obligations and keeping in view of Mines safety management was constrained to lockout and incurred loss of 3 shifts workmen. It may be noticed so far as Goleti Group of Mines are concerned they are having difficult roof conditions and more safety measures have to be made compared to other mines. It may be noticed Mines Manager has put up the lockout notice on the notice board and forwarded information to the Mines Authority. It is submitted 76 workmen had gone into the Mine to keep safety of the Mine but not to do mining operations. There was production loss in the 2nd shift and consequently 2 more shifts production was lost till workmen resumed duty. It may be noticed 76 workmen who have gone into mine were detailed in para 4 above. For 149 workmen management could not provide work because of illegal strike as such they cannot use the issue disassociating themselves from other mining staff. Every workman's job is interlinked with the others. The Petitioner union is fully aware that Mining Sirdars and Shot Firers are not coming to work and some of the Union members considered to have strength in all other sections and failed to advise any of their members in group of Shot Firers and Mining Sirdars which resulted in illegal strike. The Petitioner is fully aware of their rights and after having caused loss of 3 shifts production they are making a demand for wages. The description given in para 'c' by the Union in general cannot work out in view of Goleti Mines conditions. The allegation that general practice is that if Mining staff goes on strike all of workers except essential staff is declared lockout and if any other section of daily rated or piece rated workers go on strike all other sections of workers are declared illegal lockout is not correct. It may be noticed lockout is just, legal and it was declared because of conditions and cir-

circumstances prevailing at that time in the Mine. The Petitioner Union failed to realise there will be minute technicalities which are essential factors to keep safety of the Mine. In view of above this Hon'ble Tribunal may be pleased to reject the reference and dismiss the claim petition.

4. The point for adjudication is whether after having declared lockout in the second shift on 1-9-86 in their Goleti No. 1 Incline, the action of the Management in allowing muster to a section of workmen numbering 76 and paying them their wages and denying the said benefit to other 149 workers who were also deployed to work in the same shift is fair and justifiable?

5. M.W1 was examined on behalf of the Respondent and marked Exs. M1 to M4. No oral or documentary evidence has been adduced on behalf of the Petitioner.

6. M.W1 is M. Ranga Rao. He deposed in brief. The Management had discussion with regard to flood relief funds and deductions from workers wages with all Union leaders and made an agreement to donate one day's wages for flood relief fund. The Mining Staff Association also agreed for such deduction in all areas for one day's wages. The Shot firers and mining Sirdars have not issued any notice on 1-9-1986. There was no reason for such strike except they have demanded to refund the one day's wages which was donated to flood relief fund. Before deducting the wages the Mining Technical Staff Association, Mining Sirdars shot firers have not made any representation nor given any notice before deducting the wages by the Management. There was no such letter from the Petitioner's Association or mining sirdar of shot firer given any notice to Mine Manager not to deduct the one day's wages. He does not know the reason why they had struck work without any notice except demanding the refund of one day's wages which had been deducted as per their concerned and paid to the Chief Minister's relief fund. As I was officiating Manager on that day i.e. 1-9-1986 he declared the lockout. 237 workers have booked their musters on 1-9-1986 and out of them 76 persons as essential staff have worked in second shift. Ex. M3 is the muster book of 1-9-1986 on that day i.e. on 1-9-1986 in second shift we require 2 Overmen, 7 Mining Sirdars and 7 Shot firers but on that day only 2 Overmen one Shot firer who is competent to work as mining Sirdar came to mine. As all other Mining Sirdars and shot firers struck work and there was no other alternative to the Management except to declare lockout. He declared the lockout for the purpose of safety of Mine. On 1-9-1986 the workmen though booked their musters they have not gone inside the mine. Because without any notice mining sirdars and shot firers struck work it had become practically difficult for me to work the mine as he is responsible for safety of the mine.

7. The case of the workmen is that on 1-9-1986 in II Shift, the Management had shown work to 76 workers and illegally locked out the remaining 149 workers who were also deployed to work in the same wages for the 2nd shift on 1-9-1986. The Manage-

ment is stating that due to strike of all mining staff, lockout was declared under Section 24(3) of the I.D. Act. In this case we have to see whether all the Mining Staff (i.e. Overman, Mining Sirdars and Shot firers) were on strike. The Management in their counter stated that for the purpose of Mines Safety Mining Sirdars and Shot Firers are declared as essential staff under Mines Regulations. According to the statement of the Respondent Management, two Overmen and One Shot Firers (C) Grade have attended duty. I find that all the Mining Staff was not on strike but a few persons of Mining Staff were on strike and three have attended the duty. It is wrong to say that all mining Staff was on illegal strike lockout was declared. The other contention of the Respondent Management that one section of employees did not go down the mine and stayed on illegal strike, they were forced to declare lockout under Section 24(3) of the Act during the Second Shift of 1-9-1986. The above fact is far from the truth, since the whole section of the Mining Staff was not on strike. The dispute cropped due to discrimination of the Management due to the fact that if all the daily rated and piece rated workmen had declared lockout, this dispute would not have arisen but since 76 workers were shown work and 149 workmen locked out. The contention of the petitioner is that the general practice is that if mining staff goes on strike, all workers except essential staff is declared lockout. In any other section of daily rated or piece rated workers go on strike, all other sections of workers are declared lockout. Moreover the Respondent Management did not put lockout notice as per the provisions of the I.D. Act but only intimation notice was put. As per the Industrial Disputes Central Rules No. 72, the notice of lockout be given by an employer carrying on a public utility service shall be in Form M. The Notice shall be displayed conspicuously by the employer on a notice board on the main entrance to the establishment and in the Managers office, provided that where a registered trade union exists, a copy of the notice shall also be served on the Secretary of the Union. In this case, the Management failed to put notice of lockout in the prescribed Form M but only put an intimation nor copy of the notice was sent to the Secretary of the Union. Thus the Management failed to comply with the provisions of Law.

8. Section 24(3) of the Industrial Disputes Act lays down as follows :

"A Lockout declares in consequence of illegal strikes or a strike declares in consequence of illegal lockout shall not be deemed to be illegal."

Taking all the above facts into consideration it is clear that the Mine was kept open and the Management allowed 76 workers on duty and disallowed 149 workers on duty in the 2nd shift of 1-9-1986. The Management had declared illegal lockout in respect of 149 workers in the 2nd shift of 1-9-1986. Hence the demand of the workmen that all the 149 workers who are locked out in the 2nd shift on 1-9-1986 should be paid full wages. I am of the opinion is quite legal and justified.

9. In the result, after having declared lockout in the second shift on 1-9-1986 in their Goleti No. 1 Incline, the action of the Management of M/s. Sina-

remi Collieries Company Limited in allowing muster to a section of workmen numbering 76 and paying them their wages and denying the said benefit to other 149 workers who were also deployed to work in the same shift is not fair and unjustifiable. The Respondent Management is directed to pay the full wages of 2nd shift of 1-9-1986 to the 149 workers who were illegally locked out.

Award is passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 10th day of November, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for Petitioner :

NIL

Witnesses Examined for Respondent Management :

M/W1 M. Ranga Rao.

Documents marked for the Workmen :

NIL

Documents marked for the Management :

Ex.M1 Circular regarding Notification of Declaration of Coal Industry as public utility service.

Ex.M2 Xerox copy of lockout notice intimation: 1-9-86.

Ex.M3 Muster Book of 1-9-1986.

Ex.M4 Overman report book for the day 1-9-86 to 6-10-86.

नई दिल्ली, 2 दिसम्बर, 1993

का. प्रा. 46:—औद्योगिक विवाद प्रवर्धन, 1947 (1947 का. 14) के धारा 17 के अनुसरण में, एस. सी. सी. एल. के प्रबंधन के संबंध, नियोजकों और उनके कर्मचारों के बीच, अनुबंध में विहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रवर्धन, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-93 को प्राप्त हुआ था।

[सं. एन. 21011/8/85-डी-III(बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 2nd December, 1993

S.O. 46:—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 1-12-93.

[No. L-21011/8/85-D-III(B)]

RAJA LAL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

Presents :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated : 10th day of November, 1993

INDUSTRIAL DISPUTE NO. 41 OF 1986

Between :

The Workmen of Singareni Collieries Company Limited, Ramagundam Division V, (now changed as Addl. Chief Mining Engineer, Ramagundam) Godavarikhani (Projects) represented by Vice President, Singareni Collieries Engineering Mines & Engineering Workers Union (HMS) (now changed as Workmen, Singareni Co. Ltd., Open Cast Project), Godavarikhani-505209.

... Petitioner

AND

The Addl. Chief Mining Engineer, Ramagundam Division No. 5, (now changed as Addl. Chief Mining Engineer, Ramagundam Division), Godavari Khani (Projects), M/s. Singareni Collieries Co. Ltd., P.O. Godavari Khani, Dist. Karimnagar.

... Respondent

Appearances :

M/s. A. K. Jaya Prakash Rao, P. Damodar Reddy, Lakshminarayana, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-21011/8/85-D-III(B), dt. 3rd September, 1986 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of M/s. Singareni Collieries Company Limited, Ramagundam Division V, P.O. Godavari Khani, Dist. Karimnagar (A.P.) and their Workmen to this Tribunal for adjudication :

"Whether the management of M/s. Singareni Collieries Co. Ltd., Ramagundam Division V, P.O. Godavari Khani, Dist. Karimnagar (A.P.) are justified in denying grant of EP Fitter Gr. 'B' to S/Shri Mondaiah and R. Abraham, Cat. V Fitters, Open Cast Mine, Godavari Khani? If not, to what relief the workmen concerned are entitled and from what date?"

This reference was registered as Industrial Dispute No. 41 of 1986 and notices were served on the parties.

2. The brief facts of the claims statement filed by the Petitioner Union read as follows: The Petitioner submits the workmen referred in the dispute are members of the petitioner Union and as such the Union has espoused the cause of the workmen and the Union is interested in the said dispute. The

Petitioner submits the Management discriminated between workmen and workmen in respect of granting promotions to the employees referred in the dispute without any valid reasons. The petitioner, therefore submits the action of the management in denying grant of promotion as E. P. Fitter Grade 'B' to Sri Mondiah and R. Abraham, Category V Fitter Open Cast Mines, Godavarikhani is illegal, unjust. The workmen in the dispute have joined the service and continuously working. Sri Mondiah joined the service on 18-1-74 and he is an IPI Certificate holder. Sri R. Abraham joined the service on 30-10-62 in respondent Company. While granting promotion to one Sri Shankaraiah, the Respondent did not take into consideration the seniority of the workmen and without following any procedure laid down in respect of promotions policy. The action of the management in promoting arbitrarily Sri M. Shankaraiah, ignoring the seniority of Sri Mondiah and R. Abraham is only an act of victimisation and unfair labour practice. The Petitioner further submits the Respondent has not assigned any reason for over-looking Sri Mondiah and R. Abraham, while promoting Sri M. Shankaraiah as E. P. Fitter in Grade D. The action of the Management is also illegal in so far as promoting junior employee to the workmen in dispute as E. P. Fitter Category D. Sri Mondiah and R. Abraham are entitled for promotion as E. P. Fitter Gr. D with effect from 25-7-82 when Sri N. Shankaraiah, a junior to them was promoted. The workmen Sri Mondiah and R. Abraham are also entitled for monetary benefits on the post of E. P. Fitter Gr. 'B' from 25-7-82. The petitioner therefore prays that this Hon'ble Court may be pleased to hold that the action of the management in denying grant of E. P. Fitter Gr. 'B' to Sri Mondiah and R. Abraham, by the respondent, as illegal, unjust, contrary to law and discriminatory and declare that Sri Mondiah and R. Abraham are entitled for promotion to E. P. Fitter Category 'B' with effect from 25-7-1982 with consequential monetary benefits.

3. The brief facts of the counter filed by the Respondent Management read as follows: It is submitted the allegation that the Management discriminated between workmen and workmen in respect of granting promotions to the employees referred in the dispute without any valid reasons is not correct. It may be noticed that Sri Mondiah and R. Abraham who were working in Cat. V Fitters in the Mechanical Section of the Open Cast Mine. For all the employees National Coal Wage Agreement (hereinafter referred to as NCWA) is applicable and they are paid according to the category in which they are fixed. These employees are daily rated employees. So far as open cast mines are concerned they are categorised under Item B as excavation workers and they are given special grades and job description also given to the employees who are posted in the special grades. Grade structure is dependent upon the skills of tradesmen in the grades under NCWA and grades mentioned in NCWA are fully implemented for all the workmen including Mondiah and Abraham. Thus Sri Mondiah and R. Abraham were fixed in Category V as Fitters and they are getting salaries basing upon category. At no point of time these 2 workmen worked as E. P. Fitters in Open Cast Mine in GDK Incline. It is further submitted Sri Mondiah and R. Abraham joined in

the company service on 18-1-74 and 30-10-62 respectively and they are holding IPI certificates and working as Mechanical Section of Open Cast Mines of Ramagundam Projects. They never worked in their service as E. P. Fitters. Sri Mondiah was working in the Mine and was transferred to Open Cast Project in the year 1976 and Sri R. Abraham was transferred to Open Cast Project in the year 1980 Sri M. Shankaraiah was working as Fitter in E. P. Fitters Grade in Open Cast Mine and for this case management has applied the agreement entered into with representatives of APCMS on 24-4-80 according to which Fitters, Electricians and Welders who are appointed at Open Cast Project on Category IV will be considered on completion of 3 years of service to place them in Group 'D'. Accordingly as management was satisfied with Sri M. Shankaraiah's work and as he obtained high skill in E. P. Fitter in Open Cast Mine from Category IV he was placed to Group 'D'. The workmen in dispute were in Category V and their cases cannot be compared with the case of M. Shankaraiah to make allegation that management has discriminated him and also has not followed seniority. The promotions are not automatic in nature they are depending on skills acquired by the employees and also certification of the supervising officer during his service will be taken into account before placement into higher cadre along with length of service. The Management has promoted Sri M. Shankaraiah ignoring seniority of workmen in dispute is not correct and said act of the management is only an act of victimisation and unfair labour practice is not correct. It may be noticed that there is approved agreement cadre scheme dt. 24-4-76 for Tradesman in Cat. IV, V and VI with 2 recognised Unions which is in force. The management has applied the settlement dt. 24-4-76 in the case of workmen in dispute and they were given category V on 1-8-79 and 1-6-77 respectively depending on the available vacancies and since 1979 these employees are receiving salary of Cat. V without any dispute and as such they cannot reopen their cases as if they are Cat. IV to claim to get promotion. The workmen in dispute were never engaged as E. P. Fitters in open cast mine till today. As such they cannot compare with E. P. Fitters or to get promotions like E. P. Fitters does not arise. Category scheme is totally different from grade scheme. The workmen in dispute are not entitled to claim grant of monetary benefits on the post of E. P. Fitter Grade B. It may be noticed whichever workman working in E. P. Fitter in Group D will get promotion to Group B but not the workmen who are working in Category V to be promoted to Group 'C' and 'B'. On rational principles or surmises one cannot acquire skill to get the same. The action of the management in placing these workmen in Category V and placing M. Shankaraiah in E. P. Fitter Group D was done correctly and these workmen in dispute as if they have worked in Grade D cannot ask for promotion to Group B in E. P. Fitter for repair and maintenance of heavy earth movers as there is specific job description and standard of work in the open cast mines. In view of above it is submitted that this Hon'ble Tribunal may be pleased to dismiss the claim petition as workmen in dispute are not entitled for promotion to E. P. Fitter Category B w.e.f. 25-7-82 nor consequential monetary benefits and the reference may be rejected.

4. The point for adjudication is whether the Respondent-Management are justified in denying grant of E. P. Fitter Grade 'B' to Sarvasri Mondiaiah and R. Abraham; Category V Fitters, Open Cast Mines or not?

5. W.W1 and W.W2 were examined for the Petitioner-Union and marked Exs. W1 to W3. On the other hand M.W1 and M.W2 were examined on behalf of the Respondent Management and marked Ex. M1 to M12.

6. W.W1 is D. Mondiaiah. He deposed that he joined Singareni Collieries Company as Fitter Mazdoor on 18-1-1974. He passed H.S.C. and I.T.I. Fitter Trade Examination. He is a Member of H.M.S. Union. He got 2 promotions. In 1-6-1976 he was given Category IV on 6-6-76. He was transferred to Open Cast Mines. In 1979 he was given 5th Category. Every time he got promotion. He was put on probation. In each category he was kept on probation. At no point of time were there any adverse remarks or reports against him and his work. He was always doing work to the satisfaction of all his superiors. His juniors Shankaraiah Venkata Swamy were given D Grade in 1982. Hence he claims that from 1982 he should get D Grade.

7. W.W2 is R. Abraham. He deposed that in 1962 he joined as ordinary mazdoor in Singareni Collieries Company. He is a Member of H.M.S. Union. In 1966 he was given promotion and posted as Category IV Fitter. In 1977 he was promoted and posted as Category V Fitter. In 1981 he was transferred to open cast mines. From 1962 to this day he never had adverse reports or remarks. He always did his duties properly and to the satisfaction of all his superiors. Every time he was given promotion. He was kept on 6 months probation in the Higher post. His juniors Shankariah and Venkata-swamy Fitters were promoted as D Grade Fitters in 1983. As they were promoted he is also entitled to be promoted from the day his juniors were promoted as Grade D Fitters.

8. M.W. 1 is K. Satyanarayana Rao. He deposed in brief that he is Senior Under Manager in Open Cast Mines, Godavarikhani. He knows the two workers Abraham and Mondiaiah who are working in their Mine. Originally Mondiaiah was working as Category IV Fitter in GDK 9 Incline. On 8-6-76 he was transferred to Open Cast Mine. He is now in open Cast Mine. Abraham was appointed at GDK 10 Incline as Mazdoor on 30-10-1962. He was given promotion as Category IV Fitter on 27-11-1966. He was also promoted as Category V Fitter on 1-6-1977 in GDK 10 Incline. On 1-4-1981 he was transferred to open cast mine as Cat. V Fitter. There are separate job description for Category IV Fitter and Category V Fitter as seen from Ex. M2. E.P. Fitter is an excavation plant Fitter who works in Open Cast Mines and who has knowledge of maintenance and repairs of heavy earth moving machinery. Ex. M3 shows that at page 6 under heading E.P. Fitter Grade III. Generally an I.T.I. Certificate Holder will be given apprenticeship in H.E.M. and then appointed as Category IV E.P. Fitter. Then he will get promotion as E.P. Fitter Grade III after 3 years service in Open Cast Mines. Ex. M4 agreement dt. 24-4-80 mentions service requirement of 3 years

It is Item 5. They should be matriculates and ITI Certificate holders and must have initial appointment in Open Cast Mines. The general category Fitters working on other types of work were never promoted as E.P. Fitters Grade III. Their channel of promotion is different from the E.P. Fitters in H.E.M. Section. The general Category people come under Tradesmen while Excavation Plant Fitters come under E.P. Groups. Mondiaiah has no experience or qualifications to work in E.P. Group on H.E.M. machines. Hence he cannot be promoted as E.P. Fitter Grade III. Abraham is only a literate without any technical qualifications and he never worked on heavy machines. His initial appointment is in No. 10 Incline and he never qualified to handle H.E.M. Machines. Neither Mondiaiah nor Abraham can be posted as E.P. Fitters. Their nature of work is quite different. Under no circumstances Mechanical Fitters be kept on par with E.P. Fitters. Their duties, qualification and nature of work are totally different. There are separate seniority lists for fitters in Mechanical group and E.P. Group. There is no common seniority list. As per agreement Abraham and Mondiaiah will get promotion to Category VI subject to vacancies and interviews on area level. In Open Cast Mine Mondiaiah was promoted to Category V on 25-10-1979 but it was given retrospective effect from 1-8-1979. On the Financial side both these workers will get same wages as Group B E.P. Group Fitters as they will now get promoted to Category VI of Mechanical group fitters. They do not suffer any financial loss.

9. M.W. 2 is E. V. Ratnaiah. He deposed in brief he deposed that he is working as Senior Personnel Officer, Ramagundam Project Area of Singareni Collieries Company Limited. He is fully acquainted with the facts of this case. M. Shankariah was appointed as Apprentice Fitter at Open Cast I Project on 17-11-1976. Later he was promoted as Category IV Fitter w.e.f. 5-1-1976. After that there was settlement with the Union on 24-4-1980. Ex. M8 is the said Settlement. As per Item 5 of the Settlement Ex. M8 Shankariah was promoted as E.P. Fitter Group w.e.f. 1-3-1982. Ex. M9 is the promotion order dt. 24/25-7-82 promoting him to the said category. Ex. M10 is the xerox copy of Service Record of Shankariah showing that he was appointed as an Apprentice Fitter at the Open Cast Project and it also contains the promotions of Shankariah. He has also brought the original Service Record to the Court for perusal. The Union negotiated with the management with regard to cadre scheme and the settlement was entered into with six major unions and the Management on 3-3-1989. It shows the cadre scheme. Ex. M11 is that settlement. It also includes the Tradesmen Cadre Scheme. This Settlement dt. 3-3-1989 is binding on the petitioner union as well as Mondiaiah and Abraham. At the time of the settlement, none of the unions raised the case of Mondiaiah and Abraham to be considered as a special case. On the basis of the Settlement Mondiaiah was called for interview as he possess the qualifications required under the Settlement. Ex. M12 is the call letter dt. 31-5-1989 calling D. Mondiaiah for interview. The result of the interview is awaited. As Abraham did not possess I.T.I. qualifications which is required he was not called for interview. The workmen are not entitled to reliefs claimed in the reference.

10. As per the order in I.A. No. 67/91 dt. 15-3-91 R. Abraham was recalled and duly sworn on 15-3-91. Examination in chief continued. He deposed that himself, W.W. 1 and M. Shankariah, who is junior to him used to work at one and the same spot i.e. at Pump Site, as Fitters, in Category V. While so, M. Shankariah was promoted to Grade 'D' in the post of Fitter and was posted elsewhere, ignoring the seniority of himself and W.W. He is senior to W.W. 1. They used to write about the day to day work of the Fitters in a book and it contains all the works of the fitters on each day and the said book being shown by them to the concerned Engineer under whom they have been working and keep the said book maintained by them, with them only. Exs. W1 and W2 are two of such books maintained by them. Ex. W1 relates to the month of December, 1987 and Ex. W2 relates to the period from 11-4-1988 to 17-7-1988. Ex. W3 is the office order dt. 14-5-87 issued by the Superintendent of Mines, allotting the work to him and 4 others including the W.W. 1 and M. Shankariah with effect from 17-5-1987 Ex. W3 shows that himself, W.W. 1 and M. Shankariah worked together, under the same supervisor of Mines. All of them worked in the Open Cast Mines.

11. In this dispute the contention of the Petitioner is that the Management discriminated between workmen and workmen in respect of granting promotion to the employees referred in the dispute without any valid reasons. The action of the Management in denying grant of promotion as E.P. Fitter Grade 'B' to Sri Mondiah and R. Abraham, Category V Fitter, Open Cast Mines, Godavarikhani is illegal.

12. The contention of the Respondent-Management on the other hand is that the Management denied the grant of promotion and E.P. Fitter Grade 'B' to Sri Mondiah and R. Abraham, Category V Fitter, Open Cast Mines, Godavarikhani is not correct. Sarvasri Mondiah and R. Abraham were fixed in Category V as Fitters and they are getting salaries basing upon category. At no point of time these two workmen worked as E.P. Fitters in Open Cast Mine in GDK Incline. The allegation that Sri M. Shankariah was given promotion and similarly the cases of the Petitioner (workmen) ought to have been considered is not correct. The reason being Sri M. Shankariah was working as Fitter in E.P. Fitters grade in Open Cast Mines and for his case management has applied the agreement entered into with the representatives of A.P.C.M.S. on 24-4-1980 according to which Fitters, Electricians and Welders who are appointed on completion of 3 years of service to place them in Group 'D'.

13. In this case Sri Mondiah joined the Company on 18-1-1974 and he is an I.T.I. Certificate Holder while Sri R. Abraham joined the Company on 30-12-1962 and having come to know that R. Abraham died in December, 1991. The claim of the above Petitioners are that they are entitled for promotion on par with Mr. Shankariah w.e.f. 25-7-1982 as E.P. Fitter Grade 'B'. According to the Petitioner the Settlement dt. 24-4-1980 wherein Clause 9 of the Settlement Ex. M4 the Management after due consideration has agreed for immediate promotion of the following persons even though they have not put in required period of service. So the Management con-

sidered the cases for promotion of the employees who belong to the recognised group even though they have not put in required period of service. It is clearly case of unfair labour practice. Further the Management promoted junior to the Petitioners namely Sri Shankariah. It is also admitted by the Respondent Management that Shankariah is working in other Department/sections as Fitter. But infact the common seniority is maintained by the Respondent-Management irrespective of the various Departments/Sections. The contention of the Respondent-Management cannot be accepted in view of the common seniority list, maintained by them. So this is a clear case of discrimination on the part of the Respondent-Management in not promoting Sri Mondiah and Sri R. Abraham in E.P. Fitter Grade 'B'. So the action of the Respondent-Management is therefore discriminatory and an unfair labour practice. The counsel for the Petitioners filed a Memo on 17-7-1992 stating that W.W. 2 Sri R. Abraham expired in the month of December, 1991. Since the Petitioner Sri R. Abraham died, he is entitled for promotion with effect from 25-7-1982 with consequential benefits and the arrears will be payable to the legal heirs of late Abraham i.e. the Petitioner in this case. Once the reference is made the death of the petitioner-workman will not abate the clause as per Section 10(8) of the Industrial Disputes Act, 1947.

14. In the result, the Management of M/s. Singareni Collieries Company Limited, Ramagundam Division V, P.O. Godavarikhani, Distt. Karimnagar (A.P.) are not justified in denying grant of EP Fitter Grade 'B' to Sri Mondiah and R. Abraham, Category V Fitters, Open Cast Mine, Godavarikhani. The Petitioner-workmen are entitled for the grant of E.P. Fitter Grade 'B'.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 10th day of November, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined

for the Workmen :

W.W. 1 D. Mondiah

W.W. 2 R. Abraham.

Witnesses Examined

for the Management :

M.W. 1 K. Satyanarayana Rao

M.W. 2 E. V. Purushotham.

Documents marked for the Petitioner/Workmen :

Ex. W1 Fitters Reports Book on the month of December, 1987.

Ex. W2 Fitters Report Book for the period from 11-4-1988 to 17-7-1988.

Ex. W3 Copy of the office Order dt. 14-5-87 issued by the Superintendent of Mines, Open Cast Project with regard to work in delays shown w.e.f. 17-5-87.

Documents marked for the Management :

Ex. M1 True copy of the Discussions held between the Representatives of the Management of S.C. Co. Ltd., and the representatives of the A.P.C.M. Sangh on 24-9-80 at Godavarikhani.

Ex. M2 Photostat copy of the Wage Board job description of Category IV and Category V fitters.

Ex. M3 Photostat copy of the grading job description excavation as agreed by the standardisation committee dt. 17-1-81.

Ex. M4 Photostat copy of the Minutes of the discussions held between the representatives of the Management of S.C. Co. Ltd., and the representatives of the A.P. Colliery Mazdoor Sangh on 24-4-1980 at Godavarikhani.

Ex. M5 Photostat copy of the Minutes of discussions held between the Management of Singareni Collieries Company Limited and their unions viz., Singareni Collieries Workers' Union and Tandur Coal Mines Labour Union on 24-4-1976.

Ex. M6 Photostat copy of the Revised Basic structure (with effect from 1-1-83).

Ex. M7 Photostat copy of the promotion order dt. 25-10-79 issued to D. Mondiah by the DS OC. R.G. S.C. Co. Ltd., promoted him as Category V Fitter.

Ex. M8 Photostat copy of the Minutes of discussions held between the representatives of the Management of S.C. Co. Ltd., and the representatives of the A.P. Colliery Mazdoor Sangh on 24-4-1980 at Godavarikhani.

Ex. M9 True Copy of the promotion Order dt. 24-25-7-82 issued to B. Venkata Swamy and M. Shankariah by the Additional Chief Mining Engineer, Ramagundam Division-V Open Cast Project S.C. Co. Ltd.

Ex. M10 Photostat copy of the Service Card of Marapala Shankariah.

Ex. M11 Photostat copy of the Memorandum of Settlement arrived at under Section 12(3) of the I.D. Act, 1947 between the Management of Singareni Collieries Company Limited, Kothagudem and their workmen represented by S.C. Workers' Union (AITU), S.C. M.L. Union (INTUC), S.C. Employees Union (CITU), S.C. Mines & Engineering Workers Union (HMS), S.C. M.K. Sangh (BMS) and S.L.C. Association before the C.L.C(C), New Delhi on 3rd March, 1989 at Hyderabad.

Ex. M12 True copy of the interview letter dt. 31-5-89 of the General Manager (P), S.C. Co. Ltd., Godavari Khani addressed to D. Mondiah.

नई दिल्ली, 2 दिसम्बर, 1993

का. आ. 47:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एस सी सी एल. के प्रबन्धन के संघर्ष नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 1-12-93 को प्राप्त हुआ था।

[संख्या एल.—22012/48/84 डी—TH (बी)]

राजा लाल, सैन्य अधिकारी

New Delhi, the 2nd December, 1993

S.O. 47.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes, the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SCC Ltd. and their workmen, which was received by the Central Government on 1-12-1993.

[No. L-22012/48/84 DTH (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 10th day of November, 1993

Industrial Dispute No. 46 of 1989

BETWEEN

The Workmen of S.C. Co. Ltd.,
Ramakrishnapur Division-I, P.O.
Ramakrishnapur, Adilabad Dist.
(A.P.)-500636.

.. Petitioner.

AND

The Management of S.C. Co. Ltd.,
Ramakrishnapur Division-I, P.O.
Ramakrishnapur Division-I, P.O.
(AP)-500556.

.. Respondent.

APPEARANCES :

Sri K. Venkat Reddy and Sri T. Premanandam,
Advocates—for the Petitioner.

M/s. K. Srinivas Murthy and G. Sudha, Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/(48)/84-DTH/IR(C-II)

dated 27-6-1989 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Singareni Collieries Company Limited, Ramakrishnapur Division-I and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of Singareni Collieries Co. Ltd., Ramakrishnapur Division-I in dismissing Sri Sri Nerla Jaggaiah and Bogam Narayana Coal Filler from services w.e.f. 1-10-83 and 21-9-83 respectively, is justified? If not, to what relief the concerned workmen are entitled?"

This reference was registered as Industrial Dispute No. 46 of 1989 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner represented by its General Secretary, Singareni, Ghani, Karmika Sangam, Adilabad. The petitioner submits that the Petitioners are uneducated and Sri Neerla Jaggaiah was employed on and from 5-12-1974, and Bogam Narayana was employed on and from 14-11-1975 under the Respondent Company. The Petitioner submit that on 10-2-1982 the Respondent issued a charge sheet on the Petitioners under the Company's Standing Order 16(1) and (9) and alleged that the Petitioner disobeyed lawful instructions of superiors and not allowed gang fillers to go down the Mine for work and it resulted in stoppage of mine in 2nd shift and cause a loss of production of 256 tonnes costing Rs. 38,400.00 and called for explanation for the same charge sheet. They filed their explanation to the Respondent Company and Petitioners denied the charges alleged against them in the charge sheet and explained in their reply that 18 district had worked in the 1st Shift. The Incharge of the Dip (District) 18 told that the dip is unfit for work. At that moment the Management has failed to allot a separate working place or alternative job. But the Management distributed the workers including petitioners to other gangs as spares. The workers explained to the Incharge of the Dip about the difficulties to do a work as a spares in other gangs. After the workers explanation the Incharge of Dip asked the workers to go home. After that all workers went away from the said place. After reply of the Petitioners, the Management conducted the domestic enquiry on 5-11-1982 without mentioning the name of the enquiry officer. The enquiry was conducted during the night at about 7.00 P.M. to 9.30 P.M. among the Management Officials. The Enquiry Officer had not allowed any witnesses of the Petitioners to give evidence and after the request of the Petitioners, the enquiry will be in favour of the Petitioners. The Respondent passed the removal orders against the Petitioners dated 30-9-1983 and 21-9-1983. The Respondent has not given any show cause notice before passing the removal order. The petitioner submit that the facts are the petitioner are coal filler of RK-III and attended their normal work on 16-9-1982. The Incharge of Dip 18 told to the Petitioners and others about the unfit of the dip for work and distributed to various other places to do work as a spares. Then the petitioner and other workers asked about the running of first shift in the 18 dip (district). The Incharge has not given any

sufficient reply and asked us "if you are not willing to do, you go home". All of them went away from the said place. Prior to 16-9-1982, the management stopped the two gangs 9 and 10 to do the work at the said place. Contrary to this facts, the Management alleged a false charge against the Petitioner, that they stopped the gang 9 and 10 to do the work on 16-9-1982 and it was caused for the loss of production of coal about 256 tonnes and its cost is Rs. 38,400.00 and the Petitioner disobeyed the orders of the superiors. If the management produce any workers as witness in the enquiry the truth will come out and it will be in favour of the petitioners. The petitioners submit that the removal order is illegal, unwarranted, contrary to the principles of natural justice and unsustainable under the law. The petitioners submit that from the date of removal from service i.e. 21-9-1983 (Petitioner No. 2) and 1-10-1983 they have not secured any alternative employment and they are without job. It is therefore prayed that the Hon'ble Tribunal may be pleased to declare the removal order Ref. No. P/RKP-1/16/83-2581, dated 30-9-1983 and Ref No. P/RKP-1/16/83/2580 passed by the Respondent are illegal and set aside the removal order and direct to the Respondent to reinstate the petitioners with all back wages and benefits and pass orders deems fit and proper.

3. The brief facts of the counter filed on behalf of the Respondent read as follows : It is respectfully submitted the Petitioner's claim is a stale claim. The dismissal orders were passed in 1983. After lapse of five years they are filing this I.D. It is submitted the first petitioner was appointed as Coal Filler on 5-12-1974 and the second Petitioner on 14-11-1975 as coal fillers in the Respondent Company. The allegation that the Petitioners had been continuously working with unblemished record of service is not correct and they are put to strict proof of the same. It may be noticed both the Petitioners herein were working in 18 Dip (district). Because of bad geological conditions at 18 Dip it was closed and the Head Overman who was the authority for distributing the work, as per the instructions of the superiors, asked them along with others to work in 17 Dip. The Officers in charge made it clear that they have to work in 17 Dip and they are not providing acting jobs. As management had not conceded their demand, the Petitioners instigated the strike asking the entire gang fillers not to go down the mine and work. It resulted in production loss of 256 tonnes valuing Rs. 38,400.00 in the second shift of 16-9-1982. That was the reason the Management issued a charge sheet dated 17-9-1982 under Company's Standing Orders, Clauses 16(1) and 16(9). The petitioners submitted their explanations. As the Management was not satisfied with the explanations given by them, appointed Sri S. Janardhana Rao, Asst. Personnel Officer, as Enquiry Officer to conduct the domestic enquiry. The Petitioners have fully participated in the enquiry and the enquiry officer forwarded the findings, management looked into the past record of the employees and enquiry proceedings and findings and passed orders of dismissal dated 30-9-1983 and 20-9-1983 against the first and second petitioners, respectively. The allegation that the Respondent management failed to allot separate working place or alternative job

when 18 Dip could work in the first shift is not correct. On the contrary, the Head Overman, Sri B. Santhosham, gave instructions to the entire gang including these petitioners to go down the mine and work at 17 Dip as coal fillers. But it is these petitioners who stopped the entire gang on the ground that they should be given higher category acting jobs. The allegation the incharge of Dip asked the workers to go home after they explained the alleged difficulties is totally false. In spite of the pursuance by the Mine Manager and the Head Overman they have not agreed to go down the mine. It be noticed the enquiry was conducted on 5-11-82 at 2.30 P.M. to 6.00 P.M. and the Petitioners have participated. The allegation that the enquiry was conducted between 7.00 P.M. and 9.30 P.M. is totally false. It is respectfully submitted that the enquiry was conducted as per the principles of natural justice, the enquiry officer gave full opportunity. The Management having gone through the entire enquiry record and past record of the employees, applied its mind and passed orders of dismissal dated 30-9-1983 and 20-9-1983 to the first and second petitioners respectively. The allegation that the incharge of 18 Dip has not given any sufficient reply and asked them "if you are not willing to do, you go home" is totally false. The workmen in the Company have no right to call for lightening and sudden strikes whenever their demands are not conceded by the Management. It is submitted that the Respondent has no knowledge whether these petitioners are active members of the Singareni Gani Karmika Sangam and this Sangam is also not recognised Union. The order of removal is illegal, unwarranted contrary to the principles of natural justice is not correct. There are no merits in the Petitioner's case. In view of the above mentioned facts this Hon'ble Court may be pleased to uphold the action of the Management in dismissing the petitioners and the petitioners are not entitled for reinstatement, back wages, benefits costs as prayed for.

4. The point for adjudication is whether the action of the Respondent in dismissing S/Sri Neerla Jaggaiah and Bogam Narayana, Coal Fillers from services w.e.f. 1-10-1983 and 21-9-1983 respectively is justified or not?

5. On 14-9-1993 this Tribunal passed an Order on preliminary point. This Tribunal held the domestic enquiry conducted by the Respondent—Management to be fair and proper.

6. In this case the contention of the Petitioners is that on 17-2-1982 the Respondent issued a charge sheet on the petitioners under the Company's Standing Order 16(1) and (9) and alleged that the Petitioner disobeyed lawful instructions of superiors and not allowed gang fillers to go down the Mine for work and it resulted in stoppage of Mine in 2nd shift and cause of loss of production of 256 tonnes costing Rs. 38,400.00 and called for explanation for the said charge sheet. On the other hand, the contention of the Respondent is that both the petitioners herein were working in 18 Dip (District). Because of bad geological conditions at 18 Dip it was closed and the Head Overman who was the authority for distribution the work, as per the instructions of the superiors,

asked them along with others to work in 17 Dip. The Petitioners refused to work at 17 Dip and made a demand for higher category post so that they can earn acting allowance. The officers in charge made it clear that they have to work in 17 Dip and they are not providing acting jobs. As Management had not conceded their demand, the Petitioners instigated the strike asking the entire gang fillers not to go down the mine and work. This was the reason the Management issued a charge sheet dated 17-9-1982 under Company's Standing Orders Clauses 16(1) and 16(9).

7. The Respondent Management issued Charge Sheets Ex. M2 dated 17-8-1982 to the Petitioners. The charge sheet read thus :

"On 16-9-1982 you have reported for duty as Coalfillers in IInd shift.

You were distributed and shown coalfilling job by Sri B. Santhosham, Head Overman and as the District (18 Dip) was stopped due to unforeseen geological conditions.

Instead of going down on your original job, you have disobeyed the lawful instructions and demanded that you should be taken on muster job. Further, you have not allowed your gang fillers to go down the Mine for work.

The above actions of yours has resulted in stoppage of mine in IInd shift and loss of production of 256 tonnes costing Rs. 38,400.00.

.....".
To the above charge sheet, the Petitioners submitted their explanations Ex. M3 and M4 which reads thus :

".....".
I beg to state that the alleged charges are not correct. I have not hesitated to go down the mine for my original job. I have not obstructed either my gang members or stopped the mine.

As a matter of fact I beg to state that on 16-9-82 and adjacent days, the 18 Dip has worked in 1st Shift. In the IInd Shift only we were distributed. Our request was to show us a separate working face instead of distributing in other gangs as spares. Being spares we are not getting cooperation to fulfil our duty.

The overman willing told us either to work as spares or to go home.

This has caused the fillers to stay away from going down. I was only a gang member who was abind to the decision of others.

Therefore I am not at fault. Hence, please revoke the charge sheet."

The Respondent Management was not satisfied with the explanations given by the Petitioners and ordered a domestic enquiry into the charges framed against the Petitioners. A regular domestic enquiry was conducted and found the petitioners guilty of the charges levelled against them.

8. A perusal of the Domestic enquiry file Ex. M7 Both the Petitioners have given their statements which reads thus :

The statement of Bogam Narayan, Coal Filler RK 3,

"I worked in II shift of 16-9-1982 as Coal Filler. After booking my muster at Manway on 16-9-1982 in II shift, the Overman distributed me along with other coal fillers of Gang Nos. 9 and 10 to 28 Level of 17 Din District. I asked the Overmen to distribute gang No. 9 and 10 to one Level permanently if not, distribute us only to 18 Din. But the Management has not conceded our demand and asked us to go on filling. So I have refused to work as per distribution and asked one level for gang No. 9 and 10. The other coal fillers also struck work in II shift on 16-9-1982 on this demand only."

The statement of Sri Neerla Jaggaiah, Coal Filler is similar to what the statement of Bogam Narayana stated in his statement.

9. A reading of the explanations given by the petitioners as well as the statement given during the domestic enquiry would go to show that the 18 D's-trick had worked in the 1st shift. The Incharge of the Dip (District) 18 told that, the dip is unfit for work. At that moment the management has failed to allot a separate working place or alternative job. But the Management distributed the workers including Petitioners to other gangs as spares. The petitioners explained to the Incharge of the Dip about the difficulties to do a work as a spares in other gangs. On this explanation the Incharge of the Dip told the workers either to work as spares or go home and that all the workers went away from the spot. When all the Coal fillers stayed away from work these petitioners are also stayed away from work because they are all one group of workers. These petitioners cannot work without the other coal fillers or other workers go down the mine. I feel that these petitioners were singled out from the gang and made these petitioners a scapegoat. The further contention of the Petitioners is that the Management did not produce any worker witness in the said domestic enquiry. If the Management produce any workers as witness in the enquiry the truth will come out and it will be in favour of the petitioner. So on a consideration of the evidence, facts and circumstances of the case, I am clearly of the opinion that the removal orders Ref. No. PIRKP-1116/83/2581 dated 30-9-1983 and Ref. No. PIRKP-1116/83/2580 are illegal and liable to be set aside the removal orders and the Respondent is directed to reinstate the Petitioners with all back wages and all attendant benefits.

10. In the result, the action of the Management of Singareni Collieries Company Limited, Ramakrishnanur Division-I in dismissing Sri Neerla Jaggaiah and Bogam Narayana, Coal Filler from services w.e.f. 1-10-1983 and 21-9-1983 respectively is not justified. The petitioners are entitled to be reinstated into service with full back wages and all other attendant benefits.

2869 GI/93—8

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 10th day of November, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on
behalf of Management :

M.W.1 S. Janardhan Rao.

Witnesses Examined on
behalf of Workmen :

NIL.

Documents marked for the Management on P.P.

Ex. M1/13-4-1982.—Appointment letter appointing the Enquiry Officer.

Ex. M2/17-9-1982.—Charge Sheet issued to the petitioner in I.D. 46/89.

Ex. M3/22-9-1982 and Ex. M4/22-9-1982.—Explanation submitted by the workmen in this dispute.

Ex. M5/18-10-1982 and Ex. M6/1-11-1982.—Notices issued to both the workmen involving in this dispute.

Ex. M7.—Enquiry Proceedings.

Ex. M8.—Enquiry Report.

Documents marked for the Workmen/Petitioner

NIL

नई दिल्ली, 3 दिसम्बर, 1993

का. प्रा. 48:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. ईस्टर्न कोलफील्ड्स लिमि. की बाराकर इंजीनियरिंग एण्ड फाउण्ड्री वर्क्स के प्रबन्धन के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-12-93 को प्राप्त हुआ था ।

[संएल—20025/36/90—प्राई आर (कोल—I)]

एच. सी. गौड़, डेस्क अधिकारी

New Delhi, the 3rd December, 1993

S.O. 48.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Barakar Engineering & Foundry Works of M/s. ECL and their workmen which was received by the Central Government on 1-12-93.

[No. L-20025/36/90-IR (C-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE ARBITRATOR SHRI S. K. MUKHOPADHYAY, REGIONAL LABOUR COMMISSIONER (CENTRAL), BOMBAY, NOW DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL), DHANBAD.

IN THE MATTER OF ARBITRATION UNDER SECTION 10-A OF THE INDUSTRIAL DISPUTES ACT, 1947

ARBITRATION CASE NO. 1 OF 1991

PARTIES :

Employers in relation to the management of Barakar Engineers & Foundry Works of M/s. Eastern Coalfields Limited, P. O. Nirsa, District, Dhanbad and their workmen.

PRESENT :

Shri S. K. Mukhopadhyay, Arbitrator.

APPEARANCES :

On behalf of the employers : Shri D. Kumar, Dy. Personnel Manager, Eastern Coalfields Limited.

On behalf of the workmen : Shri D. K. Dey, Organising Secretary, Dhanbad Colliery Karamchari Sangh.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 24th November, 1993

AWARD

The Government of India, Ministry of Labour, in exercise of the power conferred on them under section 10A of the Industrial Disputes Act, 1947 published the arbitration agreement on the following dispute for arbitration by me vide order no. L-20025/36/90 IR (Coal-1) dt. 5-2-1991 :

"Whether the demand of Dhanbad Colliery Karamchari Sangh for employments of Shri B'sram Yadav and Rameshwar Yadav, Barakar Engineering & Foundry Works of M/s. Eastern Coalfields Limited is justified. If so to what relief they are entitled?"

This reference was made to me while I was Regional Labour Commissioner (Central), Bombay. Subsequently I was promoted and posted as Dy. Chief Labour Commissioner (Central), Dhanbad. Both the parties consented that they had no objection if I proceed with the arbitration and pronounce my award.

(2) The case of the management of Barakar Engineering & Foundry Works (hereinafter referred to as BEFW), Nirsa of M/s. Eastern Coalfields Limited has disclosed in the Written Statement-cum-Rejoinder, details apart, is as follows :

BEFW was part of Badjna Colliery. It was nationalised with Badjna Colliery with effect from 1-5-1973, under the provisions of Coal Mines (Nationalisation) Act, 1973.

Prior to nationalisation the said colliery was taken over with effect from 31-1-1973. At the time of take over, M/s. Oriental Coal Company Limited, the previous owner refused to hand over the BEFW Limited to the Custodian General appointed by the Central Govt. on the ground that the said establishment was a factory and not a part of Badjna Colliery as it was executing a large number of jobs relating to outside parties and not exclusively catering the needs of Badjna Colliery. The previous owner also challenged the validity of Coal Mines (Taking over of Management) Act, 1973 and Coal Mines (Nationalisation) Act, 1973, by a Writ Petition filed by them. Hon'ble High Court Calcutta, allowed the previous owner to function as receiver pending disposal of Writ Petition. During the pendency of litigation under the receivership of the previous owner lock out was declared with effect from 28-1-80 and it remained till 14-11-86.

(3) The previous owner filed a special writ petition before Hon'ble Supreme Court. Their Lordship of Supreme Court ultimately held by their judgement dt. 18-9-86 that the Coal Mines (Nationalisation) Act, 1973 was constitutionally valid but their Lordship did not give any order to hand over the workshop to M/s. Eastern Coalfields Limited and left the question open for determination as to whether the workshop was exclusively catering the needs of the collieries of the old employers. After their Lordship of Supreme Court delivered the judgement dt. 18-9-86, the old owner on their own handed over the foundry works establishment known as Barakar Engineering & Foundry Works to M/s. Eastern Coalfields Limited M/s. Coal India Limited on 14-11-86.

(4) In the meantime the Parliament deleted section 14 of the Coal Mines (Nationalisation) Act, 1973 with effect from 17-10-86 and substituted the old section by the following provisions through the Coal Mines Nationalisation Laws (Amendment) Act, 1986 :—

"Notwithstanding anything contained in the Industrial Disputes Act, 1947 or any other law for the time being in force, the services of any officer or other employee employed in a coal mine shall be liable to be transferred to any other coal mine and such transfer shall not entitle such officer or other employee to any compensation under this Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority."

(5) The management have submitted that the present management have no liability whatsoever to employ any person who were engaged by previous owner and it was for the present management to screen and select any such person out of those who might have been previously working in BEFW and who have not crossed the age of superannuation. The management submitted that after screening the workers they appointed a few of them afresh and all the workers previously employed in the workshop were not given employment.

(6) The two persons referred to in the Arbitration Agreement namely Shri Bishram Yadav and Rameshwar Yadav were not on the roll of the workshop on 1-5-1973 when the workshop was nationalised or on 14-11-86 when the management of the workshop was actually taken over. Accordingly, the management have submitted that the management have no liability to provide employment to the said two persons and as such the demand of Dhanbad Colliery Karamchhari Sangh was not justified.

(7) The case of Dhanbad Colliery Karamchhari Sangh as disclosed, in the Written Statement, briefly stated, is as follows :—

Barakar Engineering & Foundry Works was previously owned by M/s. Oriental Coal Company Limited which was taken over on 31-1-1973 and was subsequently nationalised with effect from 1-5-1973 under the provisions of Coal Mines (Nationalisation) Act, 1973. The two workmen concerned were retrenched alongwith 38 other workmen after lay off for long. According to the workmen four workmen namely S/ Shri Braj Gopal Tiwary, Madan Masud, Manik Mondal and Parsu Dhar were re-employed by M/s. Eastern Coalfields Limited. On 29-5-1975, there was a tripartite settlement between the management of BEFW and their workmen represented by their authorised representative before the Assistant Labour Commissioner & Conciliation Officer, Dhanbad, Govt. of Bihar during the course of conciliation proceedings as the Govt. of Bihar was then the appropriate Govt. under I. D. Act, 1947. As per terms of this settlement the retrenched workmen were to be given preference in the matter of re-employment. BEFW was situated within the precincts of Badjra Colliery under the same management and was used solely for the purpose connected with that mine and other mines of M/s. Oriental Coal Company Limited under the same management. It has been pleaded on behalf of the workmen that it was a mine within the meaning of section 2J(vii) of the Mines Act, 1952 as under Section 2 H(vii) of the Coal Mines (Nationalisation) Act, 1973, all workshops including building, machinery instruments, store equipments of such workshop and lands in which such workshops stand in or adjacent

to a mine and used substantially for the purpose of mine under the same management are mine.

(8) Soon after the take over and subsequent nationalisation the erstwhile employer challenged the said Act in different High Courts and ultimately in the Supreme Court and got the take over and subsequent nationalisation stayed on until as it is understood, a bipartite settlement was arrived at between the erstwhile employer and M/s. Eastern Coalfields Ltd. a subsidiary company of Coal India Limited on 14-11-86 in the Supreme Court with regard to take over and nationalisation under the said Coal Mines (Nationalisation) Act, 1973. It has been urged on behalf of the workmen that though BEFW was a mine as defined under the Mines Act, 1952 was covered under the Employees' State Insurance Act, 1948 and all the employees including the two workmen under dispute were covered under the said Act and were insured employees/persons. Immediately after employment the employees whether permanent or otherwise were provided temporary identification certificate as provided under Regulation 15 of the Employees State Insurance (General) Regulations, 1950.

(9) It has been stated on behalf of the workmen that BEFW before nationalisation with effect from 1-5-73 employed about 2000 workmen. Though M/s Eastern Coalfields Limited employed several workmen but refused to employ the two workmen in dispute under section 25H of the I.D. Act, 1947. According to the workmen M/s. Eastern Coalfields Limited was bound to give first preference in the matter of employment to these persons over other persons. The two workmen under dispute though offered themselves for employment were refused employment by M/s. Eastern Coalfields Limited.

(10) It has been further pleaded on behalf of the workmen that M/s. Eastern Coalfields Ltd. is a state under article 12 of the constitution and being state it discriminated between the workmen and workmen in the matters of employment and thus violated the provisions of section 25H of the Industrial Disputes Act, 1947. According to the workmen after nationalisation M/s. Eastern Coalfields Limited has been treating BEFW as a mine and as such Central Govt. became the appropriate Govt. As the two workmen concerned were not employed by M/s. Eastern Coalfields Limited and Industrial dispute was raised before the Asstt. Labour Commissioner (Central), Dhanbad and ultimately the parties agreed for arbitration by an agreement dt. 4-5-1990.

(11) The Central Government after the receipt of the agreement dt. 4-5-90, made the instant reference for arbitration under section 10-A of the Industrial Disputes Act, 1947. According to the workmen, the action of the employer in not allowing them to resume duty is unjustified and they are entitled to be reinstated with full back wages. In the context of these facts and circumstances, the workmen have prayed that an Award may be passed that the demand of the workmen namely Dhanbad Colliery Karamchari Sangh for employment of Shri Bishram Yadav and Rameshwar Yadav is justified and the two workmen are entitled to be employed with back wages.

(12) The case of the employer in the rejoinder the employers have stated that BEFW was registered as a factory under the Factories Act, 1948 and it was also covered under the Employees' State Insurance Act and as such it could not be brought within the scope of the Mines Act or be treated as mine when it was under private management. They have also pleaded that since it was registered as a factory it fell outside the scope of definition of mine even though it was situated within the area of coal mines. The management have pleaded that the workmen were casual workers and their employment came to an end and the management was not required to give them further employment. The management denied that 2000 workers were employed at any time and asserted that the number of workmen employed therein never exceeded 500 as the previous management handed over a list of 503 workmen only on 14-11-86. It has been further stated on behalf of the management that the Receiver was the Agent of the previous owner and he acted in that capacity and the management was not handed over to the Central Govt. or the Govt. Company because of High Courts' Order.

The employers cited ruling of the Hon'ble High Court, Patna, Ranchi Bench in CWJC No. 747/88(R) dt. 8-9-89 whereby the Hon'ble High Court has been pleased to hold after the amendment was made in the Coal Mines (Nationalisation) Act, the workmen concerned who were not on the rolls on 1-5-73 can not claim employment from M/s Eastern Coalfields Limited. The management have also pleaded that they have nothing to do with the tripartite settlement dt. 29-5-75. The management have also pleaded that M/s. Eastern Coalfields Limited is a State for a limited purpose and it is not the obligation of the state to provide employment for two persons who were not entitled to the same under the relevant laws and rules and whose services were not required by them. Accordingly it has been submitted on behalf of the management that the concerned workmen are not entitled to any relief.

(13) It has been submitted on behalf of the workmen in their rejoinder that the workmen concerned are the members of Dhanbad Colliery Karamchari Sangh. It has been pleaded on behalf of the workmen that as the employer agreed for arbitration they can not challenge the order of reference. They have urged that M/s Eastern Coalfields Limited is a successor-in-interest of erstwhile employer. According to the workmen the Nationalisation Laws (Amendment) Act, 1986 does not deal with the Industrial Disputes and sections 25-H and 25-J of the I.D. Act having not been

amended, the provisions of I.D. Act shall hold the field notwithstanding the fact that the amendment was made in the Coal Mines (Nationalisation) Act, 1973. They have pleaded that earlier in the said Nationalisation Act there was no provision for transfer of person/workmen from one coal mine to another and in order to go away with this the Coal Mines Nationalisation Laws (Amendment) Act, 1986 was passed. They have also pleaded that provisions of Section 25 FF of the I.D. Act is subject to the provisions of Section. 25 H and 25 J of the I.D. Act and it is not independent of the provisions of the aforesaid two sections.

The union has pleaded that even after retrenchment the workmen were on the roll for the purpose of Section 25-H of the Act and there is no difference between the workmen who are physically on the roll and those who are deemed on the roll. The workmen have also pleaded that the tripartite settlement dt. 29-5-75 is binding on M/s Eastern Coalfields Limited under section 18(3) of the Industrial Disputes Act. In the circumstances they have pleaded that the demand of the workmen is justified.

(14) The management in order to support its action has examined Shri Ranjit Kumar Ghosh, Agent of BEFW. He has deposed on oath that he joined BEFW as Works Manager in March, 1987 and he has been continuing since then. He has stated that he has not seen Shri Bishram Yadav and Shri Rameshwar Yadav working in BEFW since 1987. He submitted that the erstwhile management of BEFW supplied a list of workmen at the time of take over. He proved Exhibit E-1 which contained the names of only 503 workmen. Shri Ghosh has proved the signature of Mr. Pandey, the then Custodian of M/s. Eastern Coalfields Limited in Exhibit E-1. After receiving the list screening committee was set up and on the recommendation of the Screening Committee some workmen were taken. According to him Shri Bishram Yadav and Rameshwar Yadav did not appear in the same list. He has proved the bipartite settlement dt. 11-1-1989 (Exhibit E-3). He has also stated that, Rameshwar Yadav and Bishram Yadav never approached him. In cross examination Mr. Ghosh admitted that BEFW was finally handed over on 14-11-86. On 14-11-86 he was not working in BEFW. He could not say whether the list contained the names of retrenched workmen. He could not explain as to why the Exhibit E-1 was not properly filled in. Only the xerox copy of the Settlement (Exhibit E-2) was filed. The original was not produced. He admitted that the settlement dt. 18-1-89 (Exhibit E-3) was not signed before the Conciliation Officer. He could not say whether the settlement has been registered under the I.D. Act. He denied that some of the retrenched workmen were reemployed. Mr. Ghosh further admitted that appointment made in BEFW under the Voluntary Retirement Scheme and Land Loser Scheme. Some persons have also been employed as dependent of the workmen who died in harness. He has also admitted that a number of workmen were transferred to BEFW from different collieries of M/s. Eastern Coalfields Limited.

(15) The management also examined one Sh. Jagannath Prasad Panda, General Manager, Lodna Area of M/s. Bharat Coking Coal Limited (M.W. 2)

He has deposed that he was posted in BEFW as Custodian on 14-11-86. He submitted that Mr. Jnanji, the representative of M/s Karamchand Thapar, met Mr. Panda and asked the concerned staff to hand over the list of materials and equipments. He produced the xerox copy of the list submitted by Mr. Jnanji. The representative of the workmen objected to the production of xerox copy as original was not submitted. The names of Shri Bishram Yadav and Sh. Rameshwar Yadav did not appear either in the list submitted by Mr. Jnanji or in the list arrived at after screening. He could not say whether BEFW had earlier retrenched a number of workmen.

(16) The Union examined Shri Rameshwar Yadav, one of the concerned workmen, who stated that he was appointed as a Moulder Helper in Heavy Foundry Section of BEFW in January 1969 and produced the ESI Card issued to him at the time of appointment bearing no. 42405902 MM 3270 (Exhibit W-1). He produced another certificate dt. 16-8-74 which was signed by the then Manager, BEFW of M/s Oriental Coal Company Limited. Shri Rameshwar Yadav stated that he was in BEFW up to 23-4-75. He was laid off after 23-4-75 and he remained under lay off up to 29-5-75. He was retrenched from 29-5-75. He produced copy of the tripartite settlement dated 29-5-75 (Exhibit W-3) which was arrived at during the course of conciliation proceedings before the Asstt. Labour Commissioner, Govt. of Bihar. He submitted that he received retrenchment compensation after depositing clearance certificate dated 23-11-77. He proved Exhibit W-4 (Clearance Certificate). He proved the signature of Mr. B. P. Jhanji, Agent, Shri R. N. Bhattacharjee, Labour Officer, Shri R. R. Chakravorty, Accounts Officer on Exhibit W-4. He stated that the company declared lock out which was lifted in 1986. He applied for his employment to the General Manager, M/s. Eastern Coalfields Limited (BEFW) and produced a copy of an application duly received in the office on 25-6-1987 (Exhibit W-5). He submitted that he did not receive any reply from the management. He stated that 38 workmen were retrenched and out of those 4 workmen were reemployed. He also stated that 32 workmen were transferred from different coal mines of M/s Eastern Coalfields Limited to BEFW (Exhibit W-7). He produced a list of 50 persons who were contractors' labourer but were employed by M/s Eastern Coalfields Limited (Exhibit M-8). He submitted that 97 workmen were employed but his case was not considered.

In cross examination he replied that he was appointed in January, 1969 and was retrenched on 29-5-75 and he remained idle from 29-5-75 and made several representations.

Shri Bishram Yadav (W.W-2) stated that he was appointed as Marker Helper in 1972 in BEFW and he became a member of ESIC bearing No. 42454156 (Exhibit W-9). He was retrenched on 29-5-75. He proved Exhibit W-3 that the tripartite settlement i.e. dt. 29-5-75. He received the letter dt. (Exhibit W-10) from the Agent BEFW. He produced and proved service certificate issued to him on 16-8-1974 by the then Factory Manager (Exhibit W-11). He applied for his employment on 25-6-87.

(17) Both the parties have submitted written arguments which are on reco.d. The photostat copy of the Award on reference No. 27 of 1989 dt. 21-8-91 passed by CGIT No. 1, Dhanbad was filed on behalf of the workmen. On perusal of the said Award it appears that 2000 workmen were in employment in BEFW in January, 1980. Exhibit E-1 shows that only 503 workmen were on rolls when BEFW was transferred to M/s. Eastern Coalfields Limited. The management could not explain this discrepancy.

Apart from the oral evidences from the perusal of two ESI Cards (Exhibit W-1 & 9) and the Service Certificates (Exhibit W-2 & W-11) and the retrenchment letter dt. 30-7-75 (Exhibit W-10 and Exhibit W-3) it is evident that the two workmen concerned were employed in BEFW and they were retrenched. Under section 25-H they are required to get preference over other persons in the matter of employment. Section 25-H of the I.D. Act reads as follows:—
25-H Re-employment of retrenched workmen :—

"Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed an opportunity (to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen) who offer themselves for re-employment shall have preference over other persons."

(19) The witness of the employer Mr. Ghosh (M.W.1) admitted that the employers appointed a large number of workmen in BEFW after nationalisation with effect from 1-5-1973 and the actual take over of BEFW with effect from 14-11-86. The employer did not send registered notice to the retrenched workmen. The employers' witness also admitted that the dependent of the deceased employees who died in harness and wards of land losers have been appointed although such persons do not have any statutory right. The employers' witness have submitted that these workmen were not on the rolls of BEFW.

(20) The Hon'ble Supreme Court in the case of Bihar State Road Transport Corporation vrs. State of Bihar reported in 7 SCLJ 829 "The argument, however, was that the true meaning of the said averment was that only those of the employees of Rajya Transport Authority who were actually in its rolls were taken over and not those who were deemed to be on its rolls. It is difficult to understand that the distinction sought to be made between those whose names were actually on the rolls and those whose names, though not physically on the rolls, were deemed in law to be on the rolls. If respondent 3 continued in law to be in the service, it makes little difference whether his name actually figured on the 'rolls' or not. The expression on the rolls must mean those who were on May 1, 1959 in the service of Rajya Transport Authority. By reasons of the order discharging him from service being illegal, respondent 3 was and must be regarded to be in services of the said authority and, therefore, he would be one of those whose sedvices were taken over by the appellant corporation."

(21) The submission of the employer that under the Amendment Act, 1986, the workmen can not

claim employment from M/s Eastern Coalfields Limited is mis-conceived as the Coal Mines Nationalisation Laws (amendment) Act, 1936 can not override the provisions of the Section 25-H of the Industrial Disputes Act, 1947. The right of the retrenched employees for employment has not been taken away by the said Amendment Act. The Hon'ble Supreme Court in the case of LIC of India vs. D. J. Bahadur reported in 16 SCLJ 22 has held that Life Insurance Corporation Act can not subvert the provisions of Industrial Disputes Act. The similar views has been held by Hon'ble Supreme Court in a case of Ajoy Kumar Banerjee vs. Union of India reported in 1984 LAB IC 691 that General Insurance Business (Nationalisation) Act does not abrogate Industrial Disputes Act.

(22) Section 25-H casts statutory obligation on the employer. Re-employment within the meaning of this section imports the significance of taking back retrenched workmen in the same category to which he belonged prior to retrenchment as has been held by the Hon'ble Supreme Court in the case of Canpur Tannery Limited vs S. Guha reported in 1961 (2) LLJ 110. By not giving preference in the matter of re-employment the employers have violated the provisions of Section 25-H of the I.D. Act. Besides dependent of the deceased workmen the employers have employed land losers who have no statutory right for employment. The two workmen (W.W. 1 & W.W. 2) have also stated that 4 of the retrenched workmen were re-employed by M/s Eastern Coalfields Limited. The employers, have, therefore, discriminated between the concerned workmen and other workmen by refusing to re-employ them.

(23) The settlement dt. 29-5-75 is binding on M/s Eastern Coalfields Limited under section 18 (3) (c) of the Industrial Disputes Act, 1947. In the case of workmen represented by Bihar Colliery Kamgar Union vs. Bharat Coking Coal Limited reported in 15 SCLJ 28 it has been held that M/s. Bharat Coking Coal Limited was a successor in interest. In this case it is evident that M/s. Eastern Coalfields Limited is successor in interest of M/s. Oriental Coal Company Limited. The bipartite settlement dt. 18-1-89 relied upon by the employer is binding only on the parties there-to. It is not binding either on the two workmen concerned or on the union Dhanbad Colliery Karamchari Sangh.

Considering all these facts and circumstances I came to the conclusion that the concerned two workmen Shri Bishram Yadav and Shri Rameshwar Yadav are entitled to be re-employed in the same category/grade in which they had been working before they were retrenched but the employer did not re-employ them in violation of Section 25-H of the Industrial Disputes Act, 1947. The management of M/s Eastern Coalfields Limited is directed to give employment to the concerned two workmen in such post as they were previously employed within one month from the date of publication of this Award.

(24) Accordingly the following Award is rendered :

The demand of Dhanbad Colliery Karamchari Sangh for employment of Shri Bishram Yadav and Sh. Rameshwar Yadav in BEFW of M/s. Eastern Coalfields Limited is justified. The management is

directed to give them employment within one month from the date of publication of the Award.

This is my Award.

S. K. MUKHOPADHYAY, Arbitrator &
Dy. Chief Labour Commissioner (C)

नई दिल्ली, 8 दिसम्बर, 1993

का. आ. 49. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाकरा बायास मैनेजमेंट बोर्ड के प्रबन्ध-तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-93 को प्राप्त हुआ था।

[सं. एल.—42012/58/92—आई आर (डी. यू.)]
के. बी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 8th December, 1993

S.O. 49.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen, which was received by the Central Government on 7-12-1993.

[No. L-42012/58/92-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 86/93

Devi Singh Vs. Bhakra Beas Management Board
For the Workmen.—Shri Dhani Ram.
For the management.—None.

AWARD

Central Govt. vide Gazette notification no. L-42012/58/92-IR. (DU) dated 29-7-93 issued U/s. 10(1) (d) of I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Executive Engineer, B. R. Silt Clearance and Plant Design Division, BBMB Sundernagar in terminating the services of Shri Devi Singh, S/o Shri Gyanu w.e.f. Feb., 1991 is legal and justified ? If not, what relief he is entitled to ?"

2. Mr. Dhani Ram representative of the petitioner has made a statement that the present reference has been raised by the Union to whom he represents. He

does not wants to persue with the prensent reference as the workman is gainfully employed some where. He has sought no dispute award be returned to the Ministry.

In view of the statement made by the representative of the petitioner, no dispute award is returned to the Ministry.

Chandigarh
3-11-1993

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1993

क. आ. 50. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भाकरा बीयास मैनेजमेंट बोर्ड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-93 को प्राप्त हुआ था।

[सं. एल.—42012/57/92—आई. आर. (डी. यू.)]

के. वी. बी. उष्णी, डेस्क अधिकारी

New Delhi, the 8th December, 1993

S.O. 50.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bhakra Beas Management Board and their workmen which was received by the Central Government on 7-12-1993.

[No. L-42012/57/92-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING
OFFICER, CENTRAL GOVT., INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 87/93

Bodh Raj Vs. Bhakra Beas Management Board

For the workman—Shri Dhani Ram

For the management—None

AWARD

Central Govt. vide Gazettee Notification No. L-42012/57/92-IR(DU) dated 29-7-93 issued U/s. 10 (1) (d) of I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Executive Engineer BBMB Township Division, Sundernagar Township (HP) in terminating the services of Shri Bodh Raj, S/o Shri Gian Chand, a

mazdoor on daily Wages w.e.f. 4-5-91 is legal and justified ? If not, what relief he is entitled to ?”

2. Mr. Dhani Ram representative of the petitioner has made a statement that the present reference has been raised by the Union to whom he represents. He does not wants to persue with the present reference as the workman is gainfully employed some where. He has sought no dispute award be returned to the Ministry.

In view of the statement made by the representative of the petitioner, no dispute award is returned to the Ministry.

ARVIND KUMAR, Presiding Officer
Chandigarh.
3-11-1993

नई दिल्ली, 8 दिसम्बर, 1993

क. आ. 51. —औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सन्दूल प्लांटेशन कोप रिसर्च इन्स्टीट्यूट कासारगोड़े के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोवास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-93 को प्राप्त हुआ था।

[सं. एल.—42011/5/91—आई. आर. (डी. यू.)]

के. वी. बी. उष्णी, डेस्क अधिकारी

New Delhi, the 8th December, 1993

S.O. 51.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kellam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Plantation Crops Research Institute, Kasargoda and their workmen, which was received by the Central Government on 7-12-1993.

[No. L-42011/5/91-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRI-
BUNAL, KOLLAM

(Dated, this the 29th day of November, 1993)

PRESENT :

Sri C. N. Sasidharan, Industrial Tribunal

IN

INDUSTRIAL DISPUTE NO. 43/91

BETWEEN

The Director, Central Plantation Crops Research
Institute, Kasargod-670124 (Kerala).

(Sri P. A. Ahmed, Central Government Standing
Counsel, Trivandrum).

AND

The Presiden, All Kerala C.P.C.R.I. Farm Employees Congress, Palode Pacha P.O., Trivandrum (Kerala).

(By Sri S. A. Nagappan, Advocate).

AWARD

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L-42011/5/91-IR(DU) dated 25-9-1991.

The issue for adjudication is the following :

“Whether the action of the management of Central Plantation Crops Research Institute, Kasargod in not regularising the services of Smt. Bhagavathi Devaki Amma, Smt. Nudankutty Thresia, Smt. Ponnamma Karihi, Sri Padmanabha Pillai Bhaskara Pillai, Smt. Pach Amma Gomathi Amma, Smt. Chellamma Santhamma and Sri Raman Pillai Krishna Pillai who were working as casual workers from 2-3-1967, 5-2-1966, 10-2-1968, 20-3-1969, 20-3-69, 22-8-84 and 12-7-1969 respectively is justified? If not, to what relief the concerned workmen are entitled to and from which date should their services be regularised?”

2. The union espousing the cause of the workmen in this case has filed a claim statement and the contentions are briefly as under : The union alleged that the management are denying regular employment of 7 casual labourers who are working in the Palode farm of the management for the last 20 years. There is no dearth of work in the farm as the management are engaging contract labourers regularly. The union demanded regularisation of the 7 casual labourers. But the management failed to do so. There are favourable circumstances to create permanent vacancies for the post of subordinate staff as the total area of the farm has been increased and the employment potential also increased considerably. The action of management in not regularising the service of these 7 casual workmen is unjustified. Further considering the length of service of these workers they are entitled to get gratuity and wages for national and festival holidays. The prayer is for regularisation and consequential benefits.

3. The management in their counter opposes the claim of the union. The contentions of management are briefly as under : As there was no vacancy at the time of demand from the union, the management was not in a position to appoint these workers permanently. The management is not denying regular employment to the workers. As per the agreement reached between the union and management minimum of 15 days work per month is being given to them. Contract work is being undertaken as per the policy decision of the management for specific item of work which is not generally feasible by the women worker. The workers in this case were engaged for purely seasonal work and none of them had continuous service. The management was very much favourable for regularisation of the 37 casual workers in their list for the last 20 years. Out of them 25 workers were regularised as per the order dated 31-8-1967.

Later two more were regularised. Out of the 7 workers involved in this case Sri P. Bhaskaran Pillai was regularised in July 1991 on regular basis. Sri R. Krishna Pillai was regularised and posted during 1987 but he refused to accept and now discontinued due to ill health. Smt. Devaki Amma discontinued due to ill health from 1989 and died during 1990. Smt. Gomathi Amma regularised and posted on 1987 requested not to post at Kidu Centre of management and did not accept and continued as a casual worker. Smt. N. Thresia, Smt. P. Karthi, Smt. C. Santha along with Smt. Gomathi Amma now recommended for regularisation and interview held on 2-4-1992 and appointment orders are awaited from the counsel. The management is taking a very lenient attitude towards regularisation of its employees. Now there are 4 vacant posts through retirement. Payment of gratuity to these workers is under consideration of the controlling authority. The management is already giving wages during National Holidays. According to the management the union is not entitled to any relief.

4. No evidence has been let in by the union though several adjournments have been granted for that purpose. The management has also not adduced any oral evidence. However Exts. M1 and M2 have been marked on the side of the management.

5. The justifiability or otherwise of the question of regularisation of 7 workers is the issue under reference. The specific statement of management in paragraph 7 of their counter is very much material in this case. It is stated in para 7 that the workman Sri Bhaskaran Pillai was regularised in July 1991 that Sri Krishna Pillai was regularised in 1987 but he discontinued from duty due to ill health that Smt. Devaki Amma discontinued due to ill health and died during 1990 that Smt. Gomathi Amma regularised and posted in 1987 at Kidu Centre continued as casual worker at Palode farm and that the case of the other three workers are recommended for regularisation after interview. The above statement of management remains uncontroverted and unchallenged. As per this specific statement the question of regularisation of Smt. P. Karthi, Smt. P. Gomathi Amma, Smt. N. Thresia and Smt. C. Santha alone remains for consideration. The claim of other workers does not merit any consideration.

6. The learned counsel for the management submitted that the above 4 workers were interviewed and they could not be regularised due to over age. The management has already addressed the concerned counsel for age relaxation which is evident from Ext. M1 letter dated 3-8-1992. Ext. M2 is a letter from the Senior Administrative Officer to the Scientist incharge. It is stated in Ext. M2 that the regularisation of the 4 casual labourers were considered by a duly constituted select on committee on 1-4-1992 and since they were overaged their case has been referred to counsel for the age relaxation. Exts. M1 and M2 make it clear that the management is actively considering the regularisation of 4 casual workers in question though they are over aged. This also shows that the management is favourable to regularise these workers and also that the management has taken a lenient attitude towards these workers. The union has no case as

per the claim statement that there is any agreement to regularise these casual labourers. In this state of affairs it cannot be held that there is any unjustified action on the part of management.

7. In the result, an award is passed holding that the four workmen viz., Smt. P. Karthi, Smt. P. Gomathy Amma, Smt. N. Thres'a and Smt. C. Santha are entitled to get regularisation in the service of management subject to age relaxation by the counsel of management.

C. N. SASIDHARAN, Industrial Tribunal.

APPENDIX

Documents marked on the side of the Management

Ext. M1. Letter addressed to Deputy Director of management New Delhi from the Senior Administrative Officer of the management Kasargode dated 3-8-1992.

Ext. M2. Letter addressed to the Scientist-in-charge, Palode Farm of management from the Senior Administrative Officer of management, Kasargode dated 4-12-1992.

नई दिल्ली, 8 दिसम्बर, 1993

का. मा. 53. ---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीयास कन्स्ट्रक्शन बोर्ड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-93 को प्राप्त हुआ था।

[सं. एन.-42012/148/90-आई. आर. (डी. यू.)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 8th December, 1993

S.O. 52.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Beas Construction Board and their workmen, which was received by the Central Government on 7-12-1993.

[No. L-42012/148/90-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I. D. 27/91

Mata Baksh Vs. Beas Construction Board
For the workman.—Shri R. K. Singh.

For the management.—Shri N. D. Kalra.
2869 GI/93—9

AWARD

Central Govt. vide Gazette Notification No. L-42012/148/90-I.R. (D.U) dated 18-2-91 issued U/S 10(1)(d) of I. D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of Executive Engineer, BCB (Power Wing) DPH, T. L. S. C. Division, Salapper (H.P.) in terminating the services of Sh. Mata Baksh, Chowkidar of the DPH w.e.f. 30-11-87 is justified. If not, what relief he is entitled to and from what date ?"

2. Mr. Ram Kishan Singh representative of the workman has made a statement that he is the authorised representative of the petitioner and he does not want to persue with the present reference. No dispute award be returned to the Ministry.

3. In view of the statement made by the representative of the petitioner, no dispute is returned to the Ministry.

Chandigarh

4-11-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 8 दिसम्बर, 1993

का. मा. 53. ---औद्योगिक विवाद अधिनियम, 1947 (1947) का 14 की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल पटाटो रिसर्च स्टेशन के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-93 को प्राप्त हुआ था।

[सं. एन.-42012/82/91-डी. II(बी)]

के. वी. बी. उण्णी, डेस्क अधिकारी

New Delhi, the 8th December, 1993

S.O. 53.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Potato Research Station and their workmen, which was received by the Central Government on 7-12-1993.

[No. L-42012/82/91-D. II (B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I. D. 24/92

Paramjit Singh Vs. Central Potato Research Station
For the workman.—Shri Vinod Choda.
For the management.—Shri Madan Mohan.

AWARD

Central Govt. vide Gazette Notification No. L. 42012/82/91-D. II (B) dated 20-2-92 issued U/S 10(1)(d) of I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Potato Research Station, Jalandhar in terminating the services of Shri Paramjit Singh, S/o Sh. Sohan Singh w.e.f. 9-11-90 is justified ? If not, what relief he is entitled to ?"

2. Present case was at the stage of the evidence of the management, however the parties have amicably settled the dispute.

Mr. G. S. Kang Scientists Incharge Central Potato Institute Station Jalandhar has made a statement that the management is ready to take the petitioner back in service on daily wage basis. He can report for duty tomorrow on 24-11-1993 at Jalandhar at 8.30 A.M. He has also offered that in case any seniority maintained by the management of the daily wage workers, the petitioner shall be given the benefits of the past service from the year of original date of their joining. He shall not be entitled to any back wages and any other consequential benefits except referred above.

The petitioner Paramjit Singh alongwith his Advocate has also made statement that the offer made by the management is acceptable to him. He undertake to report on 24-11-1993 at 8.30 A.M. at Potato Research Station Jalandhar and he has thus sought that no dispute award be returned to the Ministry.

In view of the statement made by the respective parties that the management had agreed to take the petitioner back in service on daily wage basis with the condition that he will not be entitled to any back wages and other consequential benefits and further that in case of any seniority maintained by the management of the daily wage worker, the petitioner shall be given benefits of past service rendered from the date of original joining which is acceptable to the petitioner and he has undertaken to report on 24-11-1993 at 8.30 A. M., so no dispute award is returned to the Ministry.

ARVIND KUMAR, Presiding Officer.

Chandigarh
23-11-1993

नई दिल्ली, 8 दिसम्बर, 1993

का. भा. 54.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल पटाटो रिसर्च स्टेशन के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 7-12-93 को प्राप्त हुआ था।

[स. एल-42012/83/91-डी-III (बी)]

के. बी. बी० उष्णी, उच्च अधिकारी

New Delhi, the 8th December, 1993

S.O. 54.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Potato Research Station and their workmen, which was received by the Central Government on 7-12-93.

[No. L-42012/83/91-D.II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

CASE NO. I.D. 12/92

Manjinder Singh Vs. Central Potato Research Station

For the workman : Shri Vinod Choda

For the management : Shri Madan Mohan

AWARD

Central Govt. vide Gazette Notification No. L-42012/83/91-D.II(B) dated 4/3/92 issued U/S 10(1)(d) of I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of Central Potato Research Station, Jalandhar in terminating the services of Sh. Manjinder Singh, s/o Dilbagh Singh w.e.f. 9-11-90 is justified ? If not, what relief he is entitled to ?"

2. Present case was at the stage of the evidence of the management, however the parties have amicably settled the dispute.

Mr. G. S. Kang Scientists Incharge Central Potato Institute Station Jalandhar has made a statement that the management is ready to take the petitioner back in service on daily wage basis. He can report for duty tomorrow on 24-11-1993 at Jalandhar at 8.30 A.M. He has also offered that in case any seniority maintained by the management of the daily wage workers, the petitioner shall be given the benefits of the past service from the year of original date of their joining. He shall not be entitled to any back wages and any other consequential benefits except referred above.

The petitioner Manjinder Singh alongwith his Advocate has also made statement that the offer made by the management is acceptable to him. He undertake to report on 24-11-1993 at 8.30 A.M. at Potato Research Station Jalandhar and he has thus sought that no dispute award be returned to the Ministry.

In view of the statement made by the respective parties that the management had agreed to take the petitioner back in service on daily wage basis with the condition that he will not be entitled to any

back wages and other consequential benefits and further that in case of any seniority maintained by the management of the daily wage worker, the petitioner shall be given benefits of past service rendered from the date of original joining which is acceptable to the petitioner and he has undertaken to report on 24-11-1993 at 8.30 A.M., so no dispute award is returned to the Ministry.

ARVIND KUMAR, Presiding Officer
Chandigarh
23-11-1993

नई दिल्ली, 8 दिसम्बर, 1993

क्रा. शा. 55.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड स्टीवडोर्स एसोसिएशन आफ कोचिन के प्रबन्धकों के संलग्न नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण' द्वारा के पंचपट को प्रभावित करती है, जो केन्द्रीय सरकार की 8-12-93 को प्राप्त हुआ था।

[संख्या एल-32011/6/85-डी IV (ए)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 8th December, 1993

S.O. 55.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of United Stevedores Assn. of Cochin and their workmen, which was received by the Central Government on 8-12-93.

[No. L-32011(6)|85-D IV(A)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL TAMILNADU, MADRAS

Wednesday, the 17th day of November, 1993

PRESENT

THIRU SAMPATH KUMARAN, B.A.B.L.

Industrial Tribunal

Industrial Dispute No. 2/1986

(In the matter of the dispute for adjudication under Section 10 (1) (d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of United Stevedores Association and others, Cochin).

BETWEEN

1. The Secretary,
Cochin Port Labour Union,
Panavapilly,
Cochin-682002.

2. The Joint Secretary,
Cochin Thiraimuga Thozhilal Union,
Mattauchery,
Post Box No. 158,
Cochin-682002.
(Impleaded as per Order dt. 24-6-86 in M.A. 27/86).

AND

1. The President,
United Stevedores Association of Cochin (P) Ltd,
River Road, Calvethy,
Cochin-682001.
2. The President,
Cochin Customs House Agents Association,
Willingdon Island,
Cochin-6820013.
3. The President,
Cochin Steamer Agents Association,
Harbour Road,
Willingdon Island,
North End P. O.,
Cochin-682009.

Reference : Order No. L-32011(6)|85-D. IV(A), dated 1-1-86, Ministry of Labour, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Miss R. Vaigai, Advocate appearing for Union No. 1, Miss Anna Mathew, Advocate appearing for Union No. 2 and Thiruvallargal T. Karunakaran Nambiar, and T. N. Unni Nambiar, Advocates appearing for the Management upon perusing the reference, claim and counter statements other connected papers on record and the counsel for Union No. 1 having filed a memo and the Counsel for Union No. 2 having made an endorsement not pressing this dispute, this Tribunal passed the following.

AWARD

This dispute between the workmen and the management of United Stevedores Association of Cochin (P) Ltd., Cochin and two others, arises out of a reference Under Section 10(1) (d) and (2A) of the Industrial Disputes Act, 1947 by the Government of India, for adjudication of the following issues :

- (a) "Whether there is any loss of employment due to linking of Cochin Port with Inland Container Depots ?
- (b) If so, what is the extent of loss and manner in which workers are to be compensated ?
- (c) The Categories and number of workers who are eligible to be compensated ?
- (d) And other incidental questions connected therewith."

On 10-9-93 the Counsel for Union No. 1 had filed a memo stating that the matter is settled and that Union No. 1 is not pressing the industrial dispute.

Today, when the dispute is called, the Counsel for Union No. 2 also makes endorsement, not pressing the Industrial dispute.

Hence the Industrial dispute is dismissed as not pressed. No costs.

Dated, this 17th day of November, 1993

THIRU M. SAMPATH KUMARAN
Industrial Tribunal

नई दिल्ली, 8 दिसम्बर, 1993

का. प्रा. 56.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापटनम पोर्ट ट्रस्ट के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-93 को प्राप्त हुआ था।

[संख्या एल-34011/11/90-आई.आर. (मिम.)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 8th December, 1993

S.O. 56.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vishakapatnam Port Trust and their workmen, which was received by the Central Government on 7-12-93.

[No. L-34011/11/90-IR(misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT :—

Sri K. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated: 19th day of November, 1993.

INDUSTRIAL DISPUTE NO. 8 OF 1991.

BETWEEN

The General Secretary, Port and Dock Employees' Association, Padma Nilayam, Door No. 14-25-32A (Upstairs), Dandu Bazar, Maharanipet, Visakhapatnam-530 002. ... Petitioner.

AND

The Chairman, Visakhapatnam Port Trust, Visakhapatnam. ... Respondent.

APPEARANCES :—

M/s. G. Bikshapathi, G. Vidyasagar, V. Vishwanatham & N. Vinesh Raj, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy & G. Sudha, Advocates for the respondent.

AWARD :

The Government of India, Ministry of Labour, by its Order No. L-34011/11/90-IR(Mis), dt. 27-3-1991 referred by the following dispute under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Visakhapatnam Port Trust and their Workmen to this Tribunal for adjudication :

“Whether the action of the Management of Visakhapatnam Port Trust is justified in not allowing the workers their wages who could not attend to their duties on 15-3-1988 on account of Bharat Bandh is justified ? If not, to what relief they are entitled to ?”

This reference is registered as Industrial Dispute No. of 1991 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Port & Dock Employees Association read as follows:— The Petitioner submits that on 15-3-1988 that the Opposition Parties and Trade Unions declared Bharat Bandh. Accordingly all the Industrial Establishments and other Commercial establishments are completely closed in Visakhapatnam. The transport facilities such as Rail and Bus were completely paralysed. Number of workers who are staying far away from Port Trust could not attend their duties on account of non availability of transport facilities. Some of the workmen also could not attend to their duties on account of picketing conducted by the Trade Unions at various places of the city. It is submit that the Government of India have issued O.M. No. 27/6/71-Estt. B., dt. 1-11-1971 wherein the regulation of absence of employees on account of Bandh and other unforeseen circumstances are regulated. Under Clause II of the said Circular, if the absence of the workers was on account of failure of transport facility or on account of disturbances or picketing and imposition of Curfew, the employees could not attend the duties, are entitled to be sanctioned Special Casual Leave. Most of the workmen in the Port Trust are residing far away from the Port area. Some of them have to travel from Anakapalli and Tuni and they have to depend necessarily on rail transport. Some of the workers were residing adjoining rural places in the urban agglomeration and were also handicapped for lack of road transport facilities. The Union addressed a letter to the Chairman on 16-3-1988 requesting the Chairman to grant special casual leave to the workers who could not attend to their duties on 15-3-1988 on account of Bharat Bandh. However, no action was taken. Therefore, the matter was taken up with the Conciliation Officer. The demand No. 1 relates to grant of special casual leave to workers who could not attend to their duties on 15-3-1988. To the said

demand, the Management submitted rejoinder before the Conciliation Officer as follows :

"We are not following the above Government Order. Whenever the employees do not turnup for duty on account of obstruction etc. and if there is no Bandh call given by the Union's in the Port such employees are given leave admissible to them. If special casual leave is to be granted, the employees do not make any attempt to come to duty but remain at home."

By this contention, the Port Trust is openly canvassing that they are violating the orders of the Government of India. It is submitted that the orders issued by the Government of India dt. 1-11-1979 are applicable to all the Central Government establishment including Visakhapatnam Port Trust and in fact it is bound to pay the orders of the Government of India issued from time to time. It is submitted that when the Bandh Call is given by the Opposition parties and consequently all the Transport system is stopped, no workman is expected to attend the duties. Therefore, to tide over this contingency, the Government issued instructions to grant them special casual leave. On account of non-granting special casual leave, the Management has debited one day leave from the leave credits of the employees. In case there is a leave credit and where there is no accumulation of leave, one day wages were deducted from their salaries. It is submitted that the Special Casual leave were being granted by the Management in accordance with the Government of India Notification dt. 1-11-1971. On 30-8-1989, the Respondent granted special casual leave which was declared when call for Bharat Bandh was given. The Special Casual Leave was granted by the Management to the workers who could not attend the duties on account of transport failure and picketing. Similarly in May 1990 when there is a Cyclone in the area, the workers who went on leave prior to the Cyclone could not report back on account of Cyclone which has disturbed the Rail transport and Road Transport, were granted special casual leave ranging from 6 to 12 days. Further on 6-2-1991 when Bharat Bandh was declared, the workers who failed to attend the duties were also granted special casual leave. Thus it is submitted that whenever there is failure of Transport facility or any picketing or obstructions caused to the workers, on account of which they could not report for duty, the Management has been granting the Special Casual Leave right from 1968 onwards. It is only for the first time the Management has adopted a negative attitude in respect of grant of special casual leave on 15-3-1988. The demand of the workers for granting special casual leave or alternatively one day wages is quite legal and justifiable when the workmen are physically prevented from attending to the duties and when the transport system itself failed, it would not be possible for the workers to attend workers to attend the duties keeping their life in risk. It is prayed to hold the action of the Respondent in denying the wages or in not granting special casual leave on 15-3-1988 to the workmen who could not attend duties on account of Bharat Bandh as illegal and unjustified and consequently pass an award directing

the Management to grant special casual leave to all the workmen who are disabled from attending the duties on account of Bharat Bandh on 15-3-1988 or alternatively grant one day wage to them and grant such other relief as this Hon'ble Tribunal deems fit and proper.

3. The brief facts of the counter filed by the Respondent Management read as follows:— The Bharat Bandh called on 15-3-1988 evoked partial response as far as Visakhapatnam Port Trust is concerned. It is incorrect to state transport facilities were completely paralysed. It is also incorrect to state that number of workers who are staying far away from the Port Trust could not attend to their duties on account of non-availability of transport facility and the petitioner is put to strict proof of the same. It is incorrect to state that there was picketing conducted by Trade Unions at various places in the city on the day of the Bandh. It is submitted the terms of Government of India, Department of Personnel and Administrative Reforms O.M. No. 27/6/71-Estt. 8 dt. 1-11-1981 special casual leave can be granted to the employees if the competent authority is satisfied that the absence of the individual concerned was entirely due to reasons beyond his control e.g. failure of transport or disturbances or picketing or imposition of curfew etc. though no city buses were plying on that day all other modes of transport were available and there was no disturbances or picketing or imposition of curfew. Even though the said Union wrote a letter on 16-3-1988 requesting the Chairman to grant special leave to the workers who could not attend to their duties on 15-3-1988 on account of Bharat Bandh, the same was considered and rejected as it has no merits. It is also a fact that the Port Trust did not adopt the Central Government O.M. No. 27/6/71-Estts. B. dt. 1-11-1971 at the time of Bharat Bandh on 15-3-1988 and therefore it could not invoke for implementation. Even otherwise, there was no justification for granting special casual leave as conditions laid down in O.M. were not satisfied for grant of special casual leave to the workers who voluntarily absented themselves from duties on 15-3-1988. Even though the Bandh call was given by opposition parties on 15-3-1988 it had invoked partial response from the employees/workers in the Port Trust as most of the employees could attend to their duties and the operations also could be carried on normally. However leave was granted to such of the employees who applied for the day of the bandh subsequently after coming to the duties. However, some active union workers even did not apply for leave and the same was as absent. The allegation no workmen is expected to attend duties on bandh days is not correct. Nor they can claim special casual leave as alleged and the petitioner is put to strict proof of the same. Management is justified in not granting the special casual leave on one day. 'No work no pay' principle will be applied as such Unions interpretation of leave rules is not correct. There is no justification of the demand of the Union for grant of special casual leave or alternatively payment of one day wage as it is incorrect to state that they were physically prevented from attending to their duties risking their life. The plea that they could not attend to their duties due to absence of public transport system is incorrect and denied. There were

no such life risk as alleged and large percentage of the employees worked on 15-3-1988 in the Port. In view of the above mentioned facts, this hon'ble Court may be pleased to dismiss the claim of the petitioner union to grant special casual leave or wages to the employees who could not attend to their duties on 15-3-1988 as it has no merits.

4. The point for adjudication is whether the action of the Respondent is justified in not allowing the workers their wages who could not attend to their duties on 15-3-1988 on account of Bharat Bandh is justified? or not?

5. W.W1 was examined on behalf of the Petitioner-Union and marked Exs. W1 to W12. On the other hand M.W1 and M.W2 were examined on behalf of the Respondent and marked Exs. M1 to M3.

6. W.W1 is Abdul Rahman. In brief he deposed that he has been working as Operator Grade I in Visakhapatnam Port Trust since 1968 and he is the General Secretary of Port and Dock Employees Association i.e. Petitioners Union from 1970. There was Bharat Bandh on 15-3-1988 and some of the employees could not attend for duty on that day due to failure of transport and picketing by the outsiders. The Petitioner's Union submitted a letter on 16-3-1988 to the Chairman, Visakhapatnam Port Trust to grant Special Casual Leave on 15-3-1988 to those employees who could not attend the duty on 15-3-1988 due to Bharat Bandh. There is a office memorandum issued by the Government of India dt. 1-11-1971 issuing instructions as to how the absence of the employees on the occasions of the Bandhs, curfew etc. should be treated. No reply was given by the Chairman of Respondent Port Trust to the representation. Ex. W4 is the office copy of the representation dt. 12-4-1988 submitted to the Asst. Labour Commissioner (C), Visakhapatnam. Issue No. 1 in Ex. W4 relates to this case. Exs. W7 to W10 are the Photostat copies of the proceedings of the Respondent Port Trust sanctioning the Special Casual Leave on the occasions of Bandhs on different dates. Ex. W11 is the office copy of the representation dt. 17-5-1990 requesting the Management to grant Special Casual Leave for the employees who could not attend the duty due to cyclone, having been held up at their native places. The Management conceded the request and granted Special Casual Leave as requested in Ex. W11 representation. They submitted another representation dt. 4-4-1991 to the Chairman, Visakhapatnam Port Trust to grant Special Casual Leave for the absented workers on 15-3-1988 due to Bharath Bandh on the ground that the Management conceded and granted Special Casual Leave on previous occasions of Bandhs. There was no public transport run on 15-3-1988 and the private vehicles also were not allowed to ply and there was picketing. Some of the trains were also cancelled and some of the trains were detained by the picketers and therefore the employees of the Port Trust residing at Anakapalli, Tuni and Vizianagram could not come to Visakhapatnam to attend the duty. They pray the Court to pass an award directing the Management of Visakhapatnam Port Trust to grant Special Casual leave for those workers who could not attend the duty on 15-3-1988 due to Bharath Bandh.

7. M.W1 is M.G.K. Vithal Rao. He deposed in brief that he has been working as Head Assistant in the Respondent-Port Trust since 1983. There are no service conditions with regard to Bandh in the Administrative Rules. There is no Settlement to treat as special casual leave for the employees who could not attend duties on Bandh days. On 15-3-1988 the Attendance of the employees was normal in the Respondent Port Trust. The Respondent Port Trust is governed by orders issued by the Government of India, Ministry of Surface Transport, from the time to time. The Government of India did not issue any orders to treat 15-3-1988 as Special Casual leave in lieu of Bandh on that day. Whenever any orders are issued by the Government of India the Respondent Port Trust has to implement the same after obtaining approval of the Board of Trustees of V.P.T. Basing upon the letter Ex. M1 the Board of Trustees of V.P.T. passed the resolution dt. 20-3-1990 in Ex. M3. In respect of the Bandh on 15-3-1988 no orders or instructions were received from the Government of India treat the absence of the workers as special casual leave. Those who got casual leave or any other leave to their credit and who applied for leave for their absence on 15-3-1988 were granted the leave for which they are eligible. Those who were absent and did not apply for any leave were not paid the wages on 15-3-1988 on the principles of 'No work no pay'. The management of the Respondent Port Trust sanctioned Motor Cycle/Cycles advances to all those employees who applied for it.

8. M. W2 is B. Bhaskara Rao. He deposed that he is working as Seinor Assistant in the Respondent-Port. There was no procedure of declaring holiday for Bandh of any reason at the time of Bharath Bandh conducted on 15-3-1988. No Government instructions are received by the Port to regularise bandh absence or to declare it as Holiday on 15-3-1988. Majority people attended on 15-3-1988. Some of the persons who have not attended on 16-3-1988 subsequently applied for leave and who are having eligibility of leave were sanctioned that leave. Those employees were not attended duty on 15-3-1988 on the principle of no work no pay wages have been deducted. Ex. M1 is dt. 19-1-1990 issued by Government of India for all major ports with regard to absence of Bandh. Along with Ex. M1 1-11-1971 Memo was sent Basing upon Ex. M2. Board resolution has been passed on 20-3-1990 which is Ex. M3. In the Port nearly 11,000 personnel are working. Only a negligible members were absent.

9. In this dispute the Petitioner-Union submits that on 15-3-1988 was declared as Bharath Bandh, accordingly all the industrial establishments and other commercial establishments were completely closed in Visakhapatnam, consequently the transport facilities such as Rail and Bus were paralysed completely, many workers who are staying far away from the Port Trust could not attend their duties on account of non-availability of transport facilities, thus the Respondent denied the wages or not granted special casual leave on 15-3-1988 to the workmen who could not attend duties on account of Bharat Bandh as illegal and unjustified. On the other hand the contention of the Respondent Management that the Bharath Bandh called on 15-3-1988 evoked partial response as far as Visakhapatnam Port Trust is

concerned, the attendance on that day was very satisfactory and total strength of absentees was very negligible, the provisions of the general instructions of the Government for regularising the absence on such occasions were not exoked for grant of any special casual leave.

10. The contention of the Petitioner-Union that the Special Casual Leave were being granted by the Management in accordance with the Government of India Notification dt. 1-11-1971. The Petitioner-Union further contended that on 30-8-1989, the Respondent-Management granted special casual leave which was declared when call for Bharat Bandh was given. The Special Casual Leave was granted by the Management to the workers who could not attend the duties on account of transport failure and picketing. Similarly in May 1990 when there was a Cyclone in the area, the workers who went on leave prior to the Cyclone could not report back on account of Cyclone which has disturbed the Rail transport and Road Transport, were granted special casual leave ranging from 6 to 12 days. Even on 6-2-1991 within Bharat Bandh was declared, the workers who failed to attend the duties were also granted special casual leave. Thus the Petitioner-Union submitted that whenever there is failure of transport facility or any picketing or obstructions caused to the workers on account of which they could not report for duty, the Management has been granting the special casual leave right from 1968 onward.

11. The contention of the Respondent-Port Trust that the terms of Government of India, Department of Personnel and Administrative Reforms O.M. No. 27/6/71-Est. 8 dt. 1-11-1971 special casual leave can be granted to the employees if the competent authority is satisfied that the absence of the individual concerned was entirely due to reasons beyond his control e.g. failure of transport or disturbances or picketing or imposition of curfew etc. Now this Tribunal has to decide how the absence of the employees on the occasions of the Bandh curfew etc. should be treated. The Petitioner Union relied upon the Office Memorandum issued by the Government of India dt. 1-11-1971 issuing instructions as to how the absence should be treated. A perusal of the Office Memorandum i.e. Ex. W2 read as follows :

"(1)

(ii) Where the competent authority is satisfied that the absence of individual concerned was entirely due to reasons beyond his control, e.g., due to failure of transport or disturbance or picketing or imposition of curfew etc.

(iii)"

With regard to second category above mentioned, if the competent authority is satisfied that the absence was due to failure of transport facilities special casual leave may be granted to such Government servants who had to come from a distance of more than 3 miles to their place of duty. If the absence was due to picketing or disturbances or curfew, then too special casual leave could be granted to regularise the absence without insisting on the condition that the distance between their place of

duty and their residence should be more than 3 miles. Special casual leave in either of the cases mentioned above may be granted with the concurrence of the Ministry/Department concerned. The Petitioner Union submitted a letter on 16-3-1988 to the Chairman, Visakhapatnam Port Trust to grant special casual leave on 15-3-1988 to those employees who could not attend the duty on 15-3-1988 due to Bharath Bandh, under Ex. W1. W.W1 is Abdul Rahman, Operator Grade I in V.P.T., and he is the General Secretary of Port and Dock Employees Association. He deposed that there was no public transport run on 15-3-1988 and the private vehicles also were not allowed to ply and there was picketing. Some of the trains were also cancelled and some of the trains were detained by the picketers and therefore the employees of the Port Trust residing at Anakapally, Tuni and Vizianagaram could not come to Visakhapatnam to attend the duty. M.W1 and M.W2 and M.W2 examined for the Respondent Management did not deposed that there was public transport run on 15-3-1988 and private vehicles were plying on that day. They did not say that trains were cancelled and some of the trains were detained by the picketers. The contention of the Petitioner-Union that the Bharat Bandh on 15-3-1988 was declared well in advance and that Opposition Parties and Trade Unions declared the Bharat Bandh and further added that the Chairman of Visakhapatnam Port Trust has authority to issue orders for granting Special Casual Leave as was done previously on 30-8-1989, May, 1990 and on 6-2-1991. On a consideration of the facts and circumstances of the case I find that the claim of the Petitioner-Union for grant of Special Casual leave for those workers who could not attend the duty on 15-3-1988 due to Bharath Bandh is legal and justified.

12. In the result, the action of the Management of Visakhapatnam Port Trust is not allowing the workers their wages who could not attend to their duties on 15-3-1988 on account of Bharat Bandh is unjustified. The workers who could not attend to their duties on 15-3-1988 are entitled for the Special Casual Leave or alternatively grant one day wage to them.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 19th day of November, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.

Appendix of Evidence

Witnesses Examined on

behalf of Petitioner/ Workman :

W.W1 Abdul Rahman.

Witnesses Examined on

behalf of Respondent/Management :

M.W1 M.G.K. Vittal Rao

M.W2 P. Bhaskar Rao.

Documents marked for the Petitioner/Workman :

Ex.W1 Copy of the letter submitted by A. Rahman, General Secretary, Port & Dock Employees Association to the Chairman,

Visakhapatnam Port Trust, Visakhapatnam with regard to sanction of Special Casual Leave for the employees for Bharat Bandh on 15-3-88.

Department of Personnel and Administrative Reforms Cabinet Secretariat with regard to treatment of absence of Central Government employees on account of Bunds etc.

- Ex.W2 1-11-71 Photostat copy of the office memorandum issued by the Joint Secretary to Government of India.
- Ex.W3 16-2-87 Photostat copy of the Office Memorandum issued by the Joint Secretary to Government of India.
- Ex.W4 12-4-88 Copy of the letter submitted by A. Rahman, Port & Dock Employees Association to the Asstt. Labour Commissioner (Central), Govt. of India, Port Area, Visakhapatnam.
- Ex.W5 Copy of the note containing comments of VPT on the letter dt. 12-4-88 of Port & Dock employees association over charter of 16 demands.
- Ex.W6 5-9-90 Copy of the letter addressed to the Asstt. Labour Commissioner (C), Visakhapatnam to the Secretary to Govt. of India, Ministry of Labour, New Delhi with regard to charter of 16 demands.
- Ex.W7 30-7-90 Photostat copy of the Proceedings of the Chairman, Vizag Port Trust with regard to Special Casual Leave on 30-8-89.
- Ex.W8 8-2-91 Photostat copy of the proceedings of the Visakhapatnam Port Trust Personal Department with regard to treatment of absence of "Bandh" on 6-12-1991.
- Ex.W9 12-6-91 Photostat copy of the Proceedings of the Visakhapatnam Port Trust Personal Department with regard to grant of Special Casual Leave.
- Ex.W10 14-6-91 Photostat copy of the Proceedings of the Visakhapatnam Port Trust Personal Department with regard to grant of Special Casual Leave.
- Ex.W11 17-5-90 Copy of the Representation submitted by A. Rahman, General Secretary to the Chairman, V.P.T. Visakhapatnam with regard to cyclone devastation in A.P., Grant of Special Casual Leave to the employees.
- Ex.W12 4-4-91 Copy of the Representation submitted by A. Rahaman, General Secretary to the Chairman, V.P.T., Visakhapatnam with regard to grant of Special Casual Leave to the Port Employees who were not attended on 15-3-88 on account of Bharat Band.

Documents marked for the Respondent-Management:

- Ex.M1 19-1-90 Copy of the letter addressed by the Desk Officer, Govt. of India, Ministry of Labour, New Delhi to the Chairman of all Major Ports with regard to treatment of absence on 'Bundh'.
- Ex.M2 1-11-71 Copy of the Office Memorandum issued by the Joint Secretary to the Govt. of India,

- Ex.M3 30-11-90 Copy of the letter addressed by the Desk Officer, Ministry of Surface Transport, Govt. of India, to the Chairman, V.P.T., Visakhapatnam with regard to treatment of absence of "Bandh".

G. V. CHALAM, Industrial Tribunal Govt. of India, to the Chairman, V.P.T.,

नई दिल्ली, 8 दिसम्बर, 1993

का. आ. 57.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओ. एन. जी. सी. के प्रवर्धन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7/12/93 को प्राप्त हुआ था ।

[संख्या एल-30012/8/88—डी-III (बी)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 8th December, 1993

S.O. 57.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh as shown in the Annexure. in the industrial dispute between the employers in relation to the management of Oil and Natural Gas Commission and their workmen, which was received by the Central Government on 7-12-93.

[No. L-30012/8/88-D.III(B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

CASE NO. I. D. 63/88

Deepak Kumar Vs. Oil and Natural Gas Commission

For the workman : Shri Deepak Kumar

For the management : Shri I. S. Sidhu

AWARD

Central Govt. vide gazette notification no. L-30012/8/88-D.III(B) dated 29/7/1988 issued U/S 10(1)(d) of I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Project Manager, Oil & Natural Gas Commission, Gandhinagar, Jammu in terminating the services of Shri Deepak Kumar, Bulldozer Helper

w.e.f. 31-5-1987 was justified. If not, what relief the workman is entitled to and from what date ?”

2. Brief facts as enumerated in the statement of claim that he was employed by the respondent as bulldozer helper on 22-9-1986 at Rs. 600/- per month. His services continued till 31-5-1987 when his services were terminated by the respdt. management without any notice and reason what-so-ever. He has served for more than 240 days and could not be terminated from service without following the procedure of Section 25-F of the Industrial Disputes Act 1947. He was not employed on contract basis. The work at the project is still continuing but he was suddenly thrown out from service. He has further pleaded that his father also served the respondent for 26 years. He was assured by the respondent that he will be absorbed on regular basis and will be made permanent. He has stated to be out of job since then. He has thus prayed for reinstatement with back wages.

3. The management in the written statement preliminary objection is that non-renewal of contract of service does not amount to retrenchment within the meaning of Industrial Disputes Act 1947 and thus complying of Section 25-F of the Industrial Disputes Act 1947 was not necessary. On merits the management took up the plea that the petitioner was engaged on purely contract basis for the job of bulldozer helper for levelling ground at Surinsar site on 22-9-1986. On completion of the job, employment of the petitioner came to an end as a natural consequences. The management admitted the petitioner having completed 240 days on the basis of contract of services. It was denied that the termination of contract of service violates any provisions of Industrial Disputes Act 1947 or attract any violation of provision of Section 25-F of the said Act and sought the dismissal of the reference.

4. Replication was also filed reasserting the same facts as stated in the statement of claim.

5. The petitioner filed his affidavit Ex. W1. He also produced WW2 O.P. Sharma, Deputy Director MMT B.G. Dehradun, MW1 D. K. Sinha S.E. is the management's witness. He filed his affidavit Ex. M1. He also relied on the documents Ex. M2 to M5. The respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Main stress of the counsel for the management is that the petitioner was engaged on purely contract basis and his appointment squarely falls under the exclusion clause 2(oo)(bb) of the Industrial Disputes Act 1947 and hence the said action of the management would not amount to retrenchment. The contention is devoid of any merits. Whenever there is an appointment contractual in nature for the specified period there has to be a stipulation of the period of employment given to a workman. The said stipulation of time of the contract of service either has to be in written contract between the employer and the employee or at best should reflect in the appointment letter obviously for the reason that at the time of taking an appointment it should have

been known to a workman that for how much period he is being appointed and the contract of service only starts when he joins the duty obviously accepting the tenure of appointment stipulating in the appointment letter. However in the present case the petitioner was not given any appointment letter at the time of his appointment on 22-9-1986. In absence of the appointment letter obviously the petitioner was not made to know the tenure of his appointment and that the same would end on the expiry of a period or on completion of the job contract. In absence of any stipulation of the tenure of his appointment for having not given any appointment letter to the petitioner, it is too late now to stress on behalf of the management that the appointment of the petitioner was contractual in nature and for a specific period. It is not open to the employer to impose any condition whichever he likes on labourer at any time they like. No doubt the intention of the parliament enacting the provisions (bb) of Section 2(oo) of the I.D. Act 1947 was to exclude certain categories of the workmen from the term of retrenchment but there is nothing in this clause which allow an out let for the employer to shut out any workman under the grab of the plea of non-renewal of their contract when there is no such stipulation at the time of offering an appointment to the workman.

8. The management has placed a reliance on the document Ex. M5 and bill for the month of March 1987 stating to have moved by the petitioner Deepak Kumar for the releasing of the payment of Rs. 600/- of the said month and has argued that the workman has shown himself in the said bill to have working on a contractual basis. This document is no help to the management. Firstly for the reason that the said document has never been confronted to the petitioner in his cross-examination. Secondly the signatures contained therein with the naked eye do not tally with the signature of the petitioner appearing on the statement of claim and as well on his affidavit.

9. The management has placed the sanction order dated 5-2-1987 Ex.M3 indicating that the sanction was sought for engaging the dozer operator for 180 (mandays) and helper for 270 (mandays) in order to show that the engagements are done on a contractual basis. This document also does not help to the management firstly for the reason that the same relates to the engagements made after 5-2-1987. It is not applicable to the case of the petitioner who was appointed much earlier on 22-9-1986. Rather the said document goes against the management. The said document indicates that the work had existed for the category of helper for which the petitioner belongs for 270 days beyond 5-2-1987, the date of sanction. Whereas the petitioner was removed on 31-5-1987 much prior to completion of said 270 (mandays).

10. The petitioner had worked for more that 240 days from 22-9-1986 to 31-5-1987. The management witness has also admitted to this effect. Provisions of Section 25-F of the Industrial Disputes Act would not have been applicable had there been retrenchment under an agreement which stipulate the termination itself, which is not the case here. At the time of retrenchment the manage-

ment had not complied with the mandatory provisions of Section 25-F of the I.D. Act 1947 by paying retrenchment compensation to the petitioner. Therefore, the termination of the services of the petitioner is bad in law and the same is liable to be set aside. He is ordered to be reinstated in service with all consequential benefits.

11. The petitioner has stated to have remained unemployed throughout in his statement of claim. He has not been cross-examined on this issue. The date of his termination is 31-5-1987. However the date of reference is 29-7-1988. In this situation it would be appropriate to award full back wages to the petitioner only from the date of reference i.e. 29-7-1988. The reference is answered accordingly. Chandigarh.

17-11-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 10 दिसम्बर, 1993

का. आ. 58.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विशाखापट्टनम पोर्ट ट्रस्ट के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-93 को प्राप्त हुआ था।

[सं. एल-34011/1/88-डी-IV (ए)]

बी. एम डेविड, डेस्क अधिकारी

New Delhi, the 10th December, 1993

S.O. 58.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-I, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vishakhapatnam Port Trust and their workmen, which was received by the Central Government on 7-12-93.

[No. L-34011/1/88-D(IV)A]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD.

PRESENT :

Sri Y. Venkatachalam, M.A., B.L.,
Industrial Tribunal-I.

Dated, 19th day of November, 1993

INDUSTRIAL DISPUTE NO. 58 OF 1991

BETWEEN :

The General Secretary, Port & Dock
Employees' Association,
Visakhapatnam

... Petitioner.

AND

The Chairman, Vishakhapatnam

Port Trust, Visakhapatnam, ... Respondent.

APPEARANCES :

M/s. G. Bikshapathi, G. Vidyasagar, V. Vishwanatham and N. Vinash Raj, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-34011/1/88-D(IV)(A) dt. 22-10-1991 referred the following dispute under Section 10(1) (d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Visakhapatnam Port Trust and their workmen to this Tribunal for adjudication :

"Whether the action of the management in not implementing the I.P.A. recommendations on par with other Ports in connection with giving scale of Rs. 980-1930 to Diploma and Degree holders is justified? If not, to what relief the said workmen are entitled?"

This reference was registered as Industrial Dispute No. 58 of 1991 and notices were served on both the parties.

2. The brief facts of the claim statement filed by the Petitioner Union read as follows :

It is submitted that the Visakhapatnam Port Trust is a major Port Trust coming under the purview of Major Port Trusts Act. There are more than 5,000 workers working under the said P.E. Port Trust. The pay scales of the workmen employed in all the major port Trusts in India is fixed by the respective Port Trust. The duties and responsibilities of workers, maintenance and other works in respect of Madras Port Trust and the Visakhapatnam Port Trust are similar and identical. The workers discharge the same type of work as is being done in the Madras Port Trust. It is submitted that Diploma Holders and Degree holders of different disciplines are recruited in supervisory posts of Mechanical and Electrical cadres. Since the workmen have been discharging their duties with higher educational qualifications with precision, demands were made by the workmen in the Madras Port Trust and Visakhapatnam Port Trust possessing Diploma and Degree qualifications in Engineering for better pay scales. Finally the Madras Port Trust issued Notification dated 26-12-1982 upgrading 221 posts of Supervisors, Foremen and Engineers to that of Assistant Engineers with a common pay scale of Rs. 900-1580. Though the Visakhapatnam Port Trust stand on the same situation regarding the duties and responsibilities shouldered by the workmen no action was taken by the management for the reasons best known to them. In fact the Chief Mechanical Engineer had also recommended the proposal for higher pay scales and re-designating the posts as Assistant Engineers Co-relating to the number of years of service. In his recommendation dt. 2-0-1987 he has specifically stated that Degree holders with 10 years experience and Diploma holders with 15 years experience could be designated as Assistant Engineers

in the scale of Rs. 980-1830. The IPA plays a very important role in matters of industrial relations and service conditions of the workers. Whenever demands are raised by the Union/Workmen, the same will be discussed in the IPA before approval of the Government for the sake of uniformity. Similarly, the issue relating to the promotional opportunities to the Engineering graduates and diploma holders was also discussed by the I.P.A. when a similar demand was raised by the Paradeep Port Trust, the IPA again considered the matter and made suggestions in Agenda No. 5 for giving promotions to graduate Engineering and Diploma holders. The recommendations of the IPA in Agenda 5 are as follows :—

- (a) Where the Graduate Engineers are not being recruited directly to Class-I and Class-II posts at the entry level, they may at least be designated as Junior Engineers and placed to one grade higher than the induction level of Diploma holders.
- (b) Diploma holders should put in a minimum of 5 years service before they are promoted to the level of the Graduate Engineers at the first entry point.
- (c) The first promotion of Graduate Engineers should be Class-II level with the designation of Assistant Engineer.
- (d) The promotion of graduate and diploma holders from a common grade of pay to Class II post should be on the basis of seniority cum-suitability and there should be no quota system.
- (e) Promotion from Class-II to Class-I should also be on the basis of seniority-cum-suitability and there should be no quota.
- (f) The minimum qualification for the post of Executive Engineer and above be a Degree or equivalent in the respective discipline.

In Visakhapatnam Port Trust, the Engineering degree and diploma holders are working in different categories for the last more than 25 years and they are almost drawing the basic of Rs. 2,000.00 per month and stagnated in the respective posts without any promotion or financial encouragement. The employees are discharging the same duties and shouldering the same responsibilities as that of the work performed by the workmen of Madras Port Trust in equivalent status. It is further submitted that in Bombay Port Trust, the workmen possessing diploma qualifications and put in 15 years of service, are upgraded as Assistant Executive Engineers, which falls in Class-I category in the grade of Rs. 1060-1980. Therefore it is respectfully submitted that the demand of the Petitioner Union for parity scales as existing in the Madras Port Trust for giving the scale of Rs. 980-1930 is quite reasonable and justified. It is more so in the Visakhapatnam Port Trust, when the head of the mechanical department himself recommended for such a conferment benefit. While the employees in the Madras Port Trust are enjoying this benefit from December 1983 the workmen in the V.P.T. are yet to receive the same. The scale which was demanded was Rs. 980-1930, which is now

revised with effect from 1-1-1987 to Rs. 2,200-100-4100. Though the workmen concerned would not be benefitted much on account of grant of the new scales, as they are already drawing around Rs. 2000/- basic yet it would be beneficial in the long run to avoid stagnation. Further even though the upgradation of designation takes place with revised pay scales, yet they continue to perform the same duties and responsibilities as is being done in Madras Port Trust. Hence the demand is quite justified and the said benefit is requested to be released from December 1983 with all consequential benefits. It is prayed that the Hon'ble Court may be pleased to hold that the action of the Respondent in not implementing the Indian Ports Association recommendations on par with the other ports is wholly arbitrary and unjust and consequently pass an award directing the Respondent to grant the scale of Rs. 980-1300 (pre-revised) and Rs. 2,200-100-4100 (revised from 1-1-1987) to all the Engineering Diploma holders and Engineering Degree holders working in different categories under the Chief Mechanical Engineer and Chief Engineer, Civil Department of Visakhapatnam Port Trust w.e.f. December, 1983 with consequential benefits of arrears of wages and attendant benefits and grant such further reliefs as this Hon'ble Court deems fit and proper.

3. The brief facts of the counter filed by the Respondent read as follows :—The pay scale of the employees will be implemented as per the Wage Settlement arrived at between the Government and Federations of Port & Dock Workers from time to time. The present Wage settlement dt. 12-6-1989 is current upto 31-12-1992. The persons with higher qualifications i.e. Degree and Diploma holders were appointed for achieving the improved functioning of the Port. The categories of staff employed in Madras Port are different from that of Visakhapatnam Port Trust. In Madras Port Trust, the categories of special mechanics, supervisors Grade II and Supervisor Grade I are employed. In V.P.T. the categories employed in the Ore Handling Complex are Operator Grade II, Operator Grade I Asst. Foreman and Foreman. The further allegation that the duties and responsibilities of workers in maintenance and other works are not identical in toto. The duties and responsibilities and promotional avenues of staff and operation of the Plant are different from Port to Port and are not comparable. It is not true to say that Diploma holders and Degree holders of different discipline are straight away recruited to supervisory Mechanical/Electrical Cadres in Visakhapatnam Port Trust. Based on the Committee's recommendations 24 Foreman were promoted as Asst. Engineers and 2 Asst. Foreman were also promoted as Asst. Engineers, who were having Degree/Diploma qualifications, during the year 1986 and 1987. So far as Visakhapatnam Port is concerned, it is not necessary basing upon the work load to upgrade 221 posts. It is true that a representation was received from the Union and Chief Mechanical Engineer has recommended for upgradation of some posts and it has been reviewed by the Chairman and in consonance with Suman Committee Report, the Respondent Port could create only 26 posts. But the Government of India is the authority which has to sanction the posts and no clearance was given by the Government to create posts in higher categories. At this Port the Degree and Diploma holders working in Mechanical Engineering and Civil Engineering

department are having avenue of promotion upto Asstt-Executive Engineer, which is a Class-I Post. Keeping in view the over all picture, the Government has not taken any action as the staff present are sufficient to discharge the duties as per the pay scales already fixed though the petitioner Union is fully aware of the same. Further it is submitted that all the allegations made in the claim are outside the scope of the reference. It is submitted that the contention of the claimant Union that Engineering Degree and Diploma holders are working in different categories for the past 25 years and are stagnated in the respective posts without any promotion or financial encouragement is not true and correct. In the year 1983, employees who were working in the promotions posts for 8 years or more were promoted to next higher post in the line of promotion under the upgradation Scheme implemented by the Port. The duties and responsibilities of workmen at Madras Port Trust and Visakhapatnam Port Trust are not one and the same. The nomenclature of the jobs, the norms and job description at Madras Port Trust are not one and the same. The which is incomparable and the petitioner cannot compare their case. It is not possible to change the existing cadres during currency of the wage settlement, which is current upto 31-12-1992. The petitioner cannot compare the case with Bombay Port Trust nor can ask or demand to give same upgradation like Bombay Port Trust. The case is not for granting incentives to the qualified workmen. This case is to implement IPA recommendations to the degree holders. Just because the Madras Port Trust employees are enjoying the facility from 1983 making a demand to implement in Visakhapatnam Port is not correct nor it can ask to revise the pay scales from 1-1-1987 onwards in the pay scales of Rs. 2200-100-4100. The demand of the union is not justifiable one. As such the question of realising the benefits from 1983 with all consequential benefits does not arise. It is further submitted that between 1983 and 1991 there is a ban for recruitment of posts in view of the surplus staff and directions were given to the Ports to work with the existing staff. It is submitted before the Hon'ble Court that the claim of the Union has no merit and the management of Visakhapatnam Port Trust is not bound to implement any recommendations of the IPA whose recommendations are advisory nature. It is for the management to decide the cadre and if required to obtain sanction of the Government as the wage structure is determined by the Government after negotiations with the Federations of Port & Dock Workers. It is prayed that the Hon'ble Tribunal may be pleased to reject the claim petition of the claimant Union as it has no merits.

4. The point for adjudication is whether the action of the Respondent in not implementing the I.P.A. recommendations on par with other Ports in connection with giving scale of Rs. 980-1930 to Diploma and Degree holders is justified or not ?

5. W.W1 was examined on behalf of the Petitioner and marked Exs. W1 to W27. On the other hand M.W1 was examined on behalf of the Respondent and marked Exs. M1 to M15.

6. W.W1 is A. Rahaman. He deposed in brief that he is the General Secretary of the Petitioner Association since 1970. He has been working as Operator

Grade I in the Respondent Port Trust since 1968. With regard to raise the scale to Degree and Diploma Holders in Engineering, they raised the dispute with A.L.C. as per the recommendations of the Indian Port Association to the scale of Rs. 980-1930. The nature of duties of the workmen in all these four Port Trusts in Ore Handling Complex are one and the same. There are 70 Engineering Degree Holders and 180 Engineering Diploma holders employed and working in Ore Handling Complex of the Respondent Port Trust. In other Departments like Chief Engineering Department, and Chief Mechanical Department, 250 Degree and Diploma holders are employed and working in the Respondent. The Chairman of all the Port Trusts in India are the members of Indian Ports Association and they will decide the policies of the Port Trusts in India. The Indian Ports Association (IPA) recommended the promotion policy of the Engineering Degree holders and Engineering Diploma holders. The recommendations of IPA were not implemented by the Respondent. The Madras Port Trust and Paradeep Port Trust implemented the said recommendations of IPA w.e.f. 26-12-1983 and 22-3-1985 respectively. In pursuance of the recommendations of IPA Madras Port Trust by its Order dt. 26-12-1983 created 221 new posts of Asst. Engineers in Civil, Mechanical, Electrical and Electronics Department, 64 Junior Engineer posts in Civil Department, 16 General Foreman posts in Civil Department, 72 Supervisors Grade I posts and 29 Junior Engineering posts in Mechanical Department, 18 Foreman Grade I posts in Mechanical Department, 13 supervisory Grade I posts in Mechanical Department, 22 Junior Engineer posts in Electrical Department, 9 Foreman Grade I posts in Electrical Department, 7 Supervisors Grade I Posts in Electrical Department and 2 junior Engineers posts in Electronic Department and abolished the prior designated posts. The majority of the Engineering Degree and Diploma holders working in the Respondent Port Trust has been drawing more than Rs. 2,000.00 basic salary at present. The scale of pay of Asst. Engineers was revised to Rs. 2,200-100-4100 from the previous scale of Rs. 980-50-1330-EB-50-1680-EB-50-1930 as per Ex. W23 pay revision. In the Respondent Port Trust stagnation promotions were given on 1-11-1983. By that stagnation promotion the persons that were promoted were given higher scales but they are working in the same post. The Engineering Degree and Diploma holders have been working in the respondent Port Trust since about 22 to 25 years.

7. M.W1 is P.V. Murali Mohan Rao. He deposed in brief that he is working as Plant Superintendent, Mechanical in Ore Handling Complex of Visakhapatnam Port Trust, since 1977. About 1150 employees were engaged at O.H.C. Mechanical Section. The shipping conveyors are connected to the mechanical house and there 13 will be directly used for loading the ships. At operation side, there are degree and diploma holders. A.B.C. Engineer in recruitment is first line Managerial cadres. If an Engineer applies for a lower category post, he will be discharging those duties. No degree holder of B.E. was appointed in Class III post in V.P.T. The candidates in Diploma who are working on operation side include their educational qualification by obtaining degree. That was the reason there are Engineers X Degree candidates now who are originally diploma holders. Diploma Holders first joined at O.H.C. as Operator Grade II,

he will get promoted to Operator Grade I, from there he will be promoted as Asstt. Foreman, Operation then, Foreman Operations, form there Assistant Engineer. For the Respondent Port there is a regular promotion policy with the above mentioned promotion procedure. In addition to this in the year 1983, emmiss promotions were given to Class III and Class IV who have completed 8 years of service in their respective categories. Subsequently the respondent Port gave promotions in the year 1990 to those candidates who have completed 15 years of service, has authorised automatic to the next category. In the year 1986 number of Foreman, Inspector of works, in Civil Engineering Departments were promoted as Asst. Engineers, in office cadre thus in Mechanical Section 27 and 25 in Civil Engineering Department. There is no stagnation of promotion. There is also on stagnation in Pay Scales. In the year 1-1-1987 wage revision was done and 1-1-1983 second wage revision was done. Thus wages were also increased. The Visakhapatnam Port is a major port. There are three more major ports, Madras, Marmugoa and Paradeep. Paradeep and Madras are major ports. At Visakhapatnam Port Trust, operation people are doing on operation work and maintenance staff is doing only maintenance work. So far as pay scales are concerned, Madras Port Trust, Paradeep Trust and Visakhapatnam Port are paying same scales. At Madras Port Trust, 221 posts were upgraded as Asst. Engineers, Basing upon the working conditions of Madras Port Trust, the stagnation of promotions some of the posts were upgraded and some of the posts were abolished. In Madras Port Trust, the other two incentive scheme were he has mentioned for Visakhapatnam Port Trust are not there. In 1983 automatic promotion for an employee who complete 8 years at O.H.C. is not introduced by the Madras Port Trust, as such the Madras Port Trust O.H.C. personnel could not have been benefit promotions. Suman Committee in the year 1986 recommended to upgrade Foreman to Asst. Engineer and the said recommendation was adopted in the year 1987 and Asst. Foreman were promoted as Asst. Engineers who are eligible. Under Ex. M6 the Government of India on 31-1-1991 issued a circular to give promotions to Class III & IV employees who completes 15 years of service as on 31-3-1990. In the year 1983 Visakhapatnam Port Trust gave promotions to its employees who have completed 8 years of service after having due discussions with all the Unions and the minutes are dt. 23-11-1983 is Ex. M7. Ex. M8 is the order issued by the Respondent on 28-11-1983 giving promotions for 8 years service. Ex. M9 is office order dt. 20-4-1986 with regard to creation of temporary posts of Asst. Engineers (Civil). Under this order, Port created 25 posts. Ex. M10 is an office order dt. 14-2-1991 creation of the posts of Asst. Engineers (Mechanical & Electrical) on each. Ex. M12 is the officer order dt. 22-7-1986 for creation of 10 posts i.e. 13 posts Asst. Engineers (Electricals) 6 posts Asst. Engineers (Mechanical) 1 Asst. Engineer (Electronics) have been created. All these workmen in dispute are in worker cadre if they are promoted to officer the nature of work done by the workers will be affected and they will not be given workmen cadre itself. The Suman Committee report at page No. 13 at Chapter VI they recommended for regrouping of the workmen and supervisors. When

they put up this proposal to the Union for implementation, the Union has not agreed. Now the Union and Federation are negotiating with the Ministry for new wage revision. Now management has no way either to create a post or to post the employees in the name of promotions as there is a ban by the Government of India. In the workmen in dispute, Foreman Chargeman, Asst. Foreman and Charge Hand are in supervisory cadre and rest of them are workmen cadre. This work force is from Mechanical and Electrical side I.O.W. i.e. Incharge of work and Overseas on Civil Side are all supervisors and there is no workmen cadre. The Management cannot concede with the demand of Union to follow other Ports and cancel a workman in maintenance. Ex. M15 is the xerox copy of the defence committee report.

8. In this dispute the simple matter is with regard to promotion of Diploma Holders and Degree Holders in the Visakhapatnam Port Trust. The contention of the Petitioner Union that Diploma holders and Degree holders of different disciplines are recruited in supervisory posts of Mechanical and Electrical cadres. The workman have been discharging their duties with higher educational qualifications with precision, demands were made by the workmen in the Madras Port Trust and Visakhapatnam Port Trust, possessing Diploma and Degree qualifications in Engineering, for better pay scales. The Madras Port Trust issued Notification dt. 26-12-1983 upgarding 221 posts of Supervisors, Foremen and Engineers to that of Assistant Engineers with a common pay scales of Rs. 900-1580, that the Visakhapatnam Port Trust stand on the same footing regarding the duties and responsibilities shouldered by the workmen and that no action was taken by the Management for the reasons best known to them.

9. The contention of the Respondent-Management on the other hand that it is not true to say that Diploma Holders and Degree holders of different disciplines are straight away recruited to supervisory Mechanical/Electrical cadres in Visakhapatnam Port Trust. That Mr. Suman who is the Director (Mechanical) Ministry of Surface Transport was specially called upon to study the needs of Ore Handling Complex and its personnel and the qualifications required and also for their promotional avenues, and that detailed study has been made by Mr. Suman and basing upon his recommendations certain Foremen posts were upgraded as Asst. Engineers (Cl. II). In the first phase 24 and later 2 posts were upgraded. The contention of the Respondent is that so far as Visakhapatnam Port is concerned, it is not necessary basing upon the work load to upgrade 221 posts. The Government of India is the authority which has to sanction the posts and no clearance was given by the Government to create posts in higher categories. At this Port, the Degree and Diploma holders working in Mechanical Engineering and Civil Engineering Departments are having avenue of promotion upto Asst. Executive Engineer, which is a Class-I posts. Based on recommendations of the IPA a decision has been taken to provide promotions avenue to the Diploma holders upto the Executive Engineer level both in Mechanical and Civil Engineering departments. A proposal for amendment of Recruitment Rules for the post of Executive Engineer (Cl. I both in Mechanical Engineering and

Civil Engineering Departments is under consideration of the Management and Government.

10 At the very outset the only point that the Petitioner-Union is stressing upon upgradation of Diploma Holders and Degree Holders in Ore Handling Plant. The Chief Mechanical Engineer has recommended vide their letter dt. 2-9-1987 has specifically stated that Degree Holders with 10 years experience and Diploma Holders with 15 years experience could be designated as Assistant Engineers in the scale of Rs. 980—1830. Thus recommended the proposal for higher pay scales and redesignating the posts as Assistant Engineers, co-relating to the number of years of service. In support of the above, the Chairman of the Visakhapatnam Port Trust also recommended the above proposal to the Ministry of Surface Transport, Government of India vide their letter dt. 8-6-1993, under Ex. W27. Under Ex. W26 also a similar proposal was sent to the Ministry of Surface Transport, Government of India, New Delhi. The above two communications were sent to the Government of India after this reference was made. Whereas the demand of the workers were made right from the year 1987. The Chief Mechanical Engineer, Ore Handling Complex made recommendation to the Port Trust on 25-2-1988. The Petitioner-Union made the demand during the year 1983 onwards and the Management has not taken decision till the reference was made. On the basis of the recommendations of the said Indian Ports Association the Madras Port Trust issued Notification dt. 26-12-1983, upgraded 221 posts of Supervisors, Foreman and Engineering to that of Assistant Engineers with a common pay scale of Rs. 900—1580. Now since the workmen have been discharging their duties with higher educational qualifications with precision, the demand made by them, I feel is just and proper. The Respondent though conscious of the situation, has not taken any decision from the year 1983 onwards when the benefits were extended to workers of Madras Port Trust and followed by Paradeep and Bombay Port Trust are enjoying the benefits from December, 1983. The scale which was demanded was Rs. 980-1930, which is now revised with effect from 1-1-1987 to Rs. 2,200-100-4,100, the workmen concerned would not be benefited much on account grant of the new scale, as they are already drawing about of Rs. 2,000.00 basic, yet it would be beneficial in the long run to avoid stagnation, even though the upgradation of designations taken place with revised pay scales, yet they continue to perform the same duties and responsibilities as is being done in Madras Port Trust. Hence there would not also be any difficulty for the Management for deployment of personnel in various categories and works. I find the demand is quite justified and the said benefit is to be released from December, 1983 with all consequential benefits.

11. In the result, the action of the Management in not implementing the I.P.A. recommendations on par with other Ports in connection with giving scale of Rs. 980-1930 to Diploma and Degree holders is not justified and wholly arbitrary. The Respondent is directed to grant the scale of Rs. 980-1380 (pre-

revised) and Rs. 2,200-100-4,100. (revised from 1-1-1987) to all the Engineering Diploma holders and Engineering Degree holders, working in different categories under the Chief Mechanical Engineer and Chief Engineer, Civil Engineer, Civil Department of Visakhapatnam Port Trust w.e.f. December, 1983 with consequential benefits of arrears of wages and attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 19th day of November, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined for the Workmen :

W.W. 1 A. Rahman.

Witnesses Examined for the Management :

M.W. 1 P. V. Murali Mohan Rao

Documents marked for the Workmen/Petitioner :

Ex. W1|16-3-87 Letter addressed to the A.L.C.

Ex. W2 Copy of the documents submitted by the Respondent Port.

Ex. W3|29-1-88 Copy of the minutes of Conciliation.

Ex. W4|30-1-88 Copy of the Conciliation failure report.

Ex. W5|10-5-88 Letter addressed by the Govt. to the Respondent and the Petitioner reg-- Ex. W4.

Ex. W6|26-12-83 True Copy of the order of the Madras Port Trust.

Ex. W7|22-3-85 Proceeding dt. 22-3-85 of the Board of Trustees of the Paradeep Port Trust.

Ex. W8|9-1-89 Office order of Paradeep Port Trust.

Ex. W9 True Copy of the resolution No. 79|88|89 of Paradeep Port Trust.

Ex. W10 Memorandum Agenda Item No. 4(11)|88-89 and charge of Recruitment Rules.

Ex. W11|17-11-88 True Copy of the letter addressed by the Chairman, Paradeep Port Trust to the Under Secretary to the Govt. of India, Ministry of Surface Transport, New Delhi.

Ex. W12 True copy of the Agenda Item No. 5(12|84-89) of Board of Trustees of Paradeep Port Trust.

Ex. W13 Xerox copy of the Agenda Item No. 23(9)|91-92 of Board of Trustees of Paradeep Port Trust.

Ex. W14|15-11-90 Xerox Copy of Office Order of Promotional opportunities to Diploma Holders.

Ex. W15|17-12-90 Order of creation of 22 A.E.E.S. in Bombay Port Trust.

- Ex. W16|1-2-86 Office Order xerox copy of Calcutta Port Trust.
- Ex. W17|3-1-87 Office order xerox copy of Calcutta Port Trust.
- Ex. W18|4-2-1969 True copy of order of the Ministry of Defence granting increments to defence employees on passing certain tests.
- Ex. W19|15-6-72 True copy of the Order of Govt. of A.P. in G.O.Ms. No. 285 with regard to Advance increments to Jr. Engineers possessing P.G. in Engineering.
- Ex. W20|29-6-90 True Copy of Memo of Settlement.
- Ex. W21|2-9-87 True copy of the letter addressed by the Chief Mechanical Engineering of V.P.T., to the Secretary of V.P.T.
- Ex. W22|25-2-88 True copy of the letter addressed by the Chief Mechanical Engineer to the F.A. & C.A.O.
- Ex. W23|29-10-91 True Copy of the photostat copy of Pay revision of revised scales in Port Trust of VPT.
- Ex. W24|9-12-92 Letter of Chief Mechanical Engineer addressed to Chief Engineer of Respondent Port Trust for receiving the promotion opportunities to the Diploma/Degree holder who have completed 15 years service.
- Ex. W25 Xerox copy of the minutes of meeting held with Chairman, V.P.T.
- Ex. W26|8-5-93 Xerox copy of the letter addressed to the Govt. of India, Ministry of Surface Transport, New Delhi.
- Ex. W27|8-6-93 Xerox copy of the addressed by the Chairman, Port Trust to Joint Secretary to Govt. of India, New Delhi.

Documents marked for the Management :

- Ex. M1 Xerox copy of the duty and responsibility of 1 & 2 Supervisors.
- Ex. M2 Xerox copy of Incentive Scheme for the staff working in Ore Handling Complex.
- Ex. M3|1-7-89 Circular xerox copy of OHC Incentive Scheme on payment of incentive to the shift changing time of hour at reeling system.
- Ex. M4|14-5-93 Xerox copy of Order of the Government on Ban for creation of Posts.
- Ex. M5|3-5-93 Basing on creative of posts/filling up of vacancies.
- Ex. M6|31-1-91 Xerox copy of the Circular of Govt. of India with regard to promotion for 15 years service.
- Ex. M7|23-11-83 Xerox copy of the minutes of discussion of all the unions of other parties along with Management of other Port.

- Ex. M8|28-11-83 Xerox copy of Order of the Management of V.P.T. giving promotion for 8 years service.
- Ex. M9|20-4-85 Xerox copy of Office Order with regard to creating of temporary post of Asst. Engineer (Civil).
- Ex. M10|14-2-91 Xerox copy of Office order creation of Posts of A.Es. (Mechanical & Electrical) one each.
- Ex. M11 Xerox copy of office order dt. 5-6-1987 filling of A.Es for S.C. & S.T.
- Ex. M12|22-7-86 Xerox copy of Office Order for creation of 10 posts etc.
- Ex. M13 Xerox copy of the Suman Committee Report.
- Ex. M14 Booklet on settlement on Wage Revision and liberalisation of Terms and conditions of Employment of Port and Dock Workers and the Mazdoor Posts.
- Ex. M15 Xerox copy of the Defence Committee report.

Sd/- (illegible)

Industrial Tribunal-I

नई दिल्ली, 9 दिसम्बर, 1993

का. आ.59.—वर्माचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1-1-1994 को उक्त तारीख के रूप में नियम करती है, जिसको उक्त अधिनियम के अध्याय 4 धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है (और अध्याय 5 और 6) धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्ति की जा चुकी है के उपबन्ध केवल राज्य के निम्नलिखित क्षेत्र में प्रवृत्ति होंगे, अर्थात्:-

“जिला भागापुरा के इलाक़े तालुका में राजस्व ग्राम पुल्लिवाधम और बंडुर के अन्तर्गत आने वाले क्षेत्र”।

[संख्या एस-38013/30 93—एस एस -1]

जें. पी. शुक्ला, अवर सचिव

New Delhi, the 9th December, 1993

S.O. 59.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st January, 1994 as the date on which the provisions of Chapter IV (ex-

cept Sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Kerala namely :

“The areas within the revenue villages of Pullipadam and Wandur in Ernad taluk of Malappuram District.”

[No. S-33013/30/93-SS]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 10 दिसम्बर, 1993

का. आ. 60.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (इ) के उपखण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या 1451 दिनांक 11 जून, 1993 द्वारा क्षेत्रीय ग्रामीण बैंक अधिनियम, 1976 की धारा 3 के अन्तर्गत स्थापित क्षेत्रीय ग्रामीण बैंक द्वारा चलाए जा रहे बैंकिंग उद्योग को उक्त अधिनियम के प्रयोजनार्थ 13 जून, 1993 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (इ) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनार्थ 13 दिसम्बर, 1993 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/2/85-डी-1 (ए)]

एस. एस. पराशर, अवसर सचिव

New Delhi, the 10th December, 1993

S.O. 60.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 1451 dated the 11th June, 1993 the Banking Industry as carried on by a regional rural bank established under section 3 of the Regional Rural Banks Act, 1976, to be a public utility service for the purpose of the said Act, for a period of six months from the 13th June, 1993;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the

said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 13th December, 1993.

[No. S-11017/2/85-D. I(A)]

S. S. PRASHER, Under Secy.

नई दिल्ली, 17 दिसम्बर, 1993

का. आ. 61.—केन्द्रीय सरकार में यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (इ) में उपखण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 1518 दिनांक 22 जून, 1993 द्वारा बैंक नोट प्रेस, देवास (मध्य प्रदेश) को उक्त अधिनियम के प्रयोजनों के लिए 22 जून, 1993 से छः मास को कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (इ) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोग के लिए 22 दिसम्बर, 1993 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/14/85-डी-1 (ए)]

एस. एस. पराशर, अवसर सचिव

New Delhi, the 17th December, 1993

S.O. 61.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 1518 dated the 22nd June, 1993 the Bank Note Press, Dewas (MP) to be a public utility service for the period of six months, from the 22nd June, 1993;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 22nd December, 1993.

[No. S-11017/14/85-D. I(A)]

S. S. PRASHER, Under Secy.